SHERMAN BLOCK, SHERIFF

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT

DETECTIVE DIVISION - HOMICIDE BUREAU

FILE NO. 092-07949-0762-057

CLASSIFICATION: ASSAULT WITH A DEADLY WEAPON ON A POLICE OFFICER - 245(3)(c) P.C./GRAND THEFT AUTO - 487 P.C./OFFICER INVOLVED SHOOTING

VICTIM(S): #1: WILLARD, DAVID B/34, ET AL.

DEFENDANT: BRITO, ISMAEL MH/39, (I/C)

DATE/TIME: 11-26-92 (THURSDAY) AT 0150 HOURS

LOCATION: FOOTHILL BOULEVARD EAST OF HAMPTON ROAD, LA CANADA

OFFICER(S) INVOLVED: DEPUTY DAVID M. WILLARD MW/ EMPLOYEE [redacted]
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
DEPUTY WILLIAM BUSS, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

INVESTIGATORS: WACHSMUTH/MORGAN

COPY ______ FILE

TABLE OF CONTENTS

File #092-07949-0762-057

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
COMPLAINT REPORT DATE 11-26-92 PAGE 1 OF 9

RECORDS & STATISTICS BUREAU'S USE ONLY

ACTION: ACTIVE (X) INACTIVE ( ) PENDING ( ) | INDEX INFO: Yes ( ) No (X) | No of Adult Arrests: 1 | No of Subject Detentions: Ø | URN (File No): 092-07949-0762-057

CLASSIFICATION: ASSAULT W/DEADLY WEAPON (VEHICLE) ON PEACE OFFICER, 245 (3)(c) P.C.;

CLASSIFICATION: GRAND THEFT AUTO, 487 h(a) P.C.;

If Domestic Violence: N/A Weapon Used ( ) YES ( ) NO

DATE, TIME, DAY OF OCCURRENCE: 11-26-92 / 0150 / THURSDAY

PRINT DEPUTY REQUESTED: NO (X) YES ( ) LOC ( ) STA ( ) VEH ( ) | VIA SECTY: — | TIME: —

LOCATION OF OCCURRENCE: FOOTHILL BLVD. E/O HAMPTON RD. LA CANADA | TYPE OF LOCATION: PUBLIC STREET | TRACT: —

CODE: V—VICTIM, W—WITNESS, I—INFORMANT, R—REPORTING PARTY, P—PARTY. LIST ONE WITNESS (IF NAMED) AND THE INFORMANT ON THIS PAGE.

CODE: No OF | LAST NAME | FIRST | MIDDLE | SEX | RACE | DOB | CHECK DAY PHONE BELOW
RESIDENCE ADDRESS | CITY | ZIP | RES PHONE (AREA CODE)
BUSINESS ADDRESS | CITY | ZIP | BUS PHONE (AREA CODE)

CODE: V | No 1 of 3 | LAST NAME: WILLARD | FIRST: DAVID | MIDDLE: M. | SEX: M | RACE: W | DOB: A
RESIDENCE ADDRESS: DEPUTY SHERIFF [redacted] | RES PHONE (AREA CODE): —
BUSINESS ADDRESS: LOS ANGELES COUNTY SHERIFFS DEPT. | BUS PHONE (AREA CODE): (818) 248-3464X

CODE: V | No 2 of 3 | LAST NAME: BUSS | FIRST: WILLIAM | MIDDLE: R. | SEX: M | RACE: W | DOB: A
RESIDENCE ADDRESS: DEPUTY SHERIFF [redacted] | RES PHONE (AREA CODE): —
BUSINESS ADDRESS: LOS ANGELES COUNTY SHERIFFS DEPT. | BUS PHONE (AREA CODE): (818) 248-3464X

CODE: S—SUSPECT, SJ—SUBJECT, M—PATIENT, S/V—SUSPECT/VICTIM, SJ/V—SUBJECT/VICTIM. CIRCLE CODE IF SUPP. PAGES USED FOR: V W S SJ M S/V SJ/V

CODE: S | No 1 of 1 | LAST NAME: BRITO | FIRST: ISMAEL | MIDDLE: "NMN" | [redacted]
RESIDENCE ADDRESS: [redacted] | RES PHONE (AREA CODE): UNKNOWN
BUSINESS ADDRESS: UNKNOWN | BUS PHONE (AREA CODE): UNKNOWN
SEX: M | RACE: H | HAIR: BRN | EYES: BRN | HEIGHT: 509 | WEIGHT: 190 | DOB: 11-15-53 | AGE: 39 | WHERE DETAINED OR CITE No: L.C.M.C
OBSERVABLE PHYSICAL ODDITIES: NONE NOTED | AKA NICKNAME: — | BOOKING No: 3323-385
CLOTHING WORN: DK PANTS, DARK SHIRT | MAIN:
CHARGE: 245(3)(c) P.C., 487 h(a) P.C. | WEAPON USED: VEHICLE

CODE: / | No OF | LAST NAME | FIRST | MIDDLE | DRIVER'S LICENSE (STATE & No)
RESIDENCE ADDRESS | CITY | ZIP | RES PHONE (AREA CODE)
BUSINESS ADDRESS | CITY | ZIP | BUS PHONE (AREA CODE)
SEX | RACE | HAIR | EYES | HEIGHT | WEIGHT | DOB | AGE | WHERE DETAINED OR CITE No
OBSERVABLE PHYSICAL ODDITIES | AKA/NICKNAME | BOOKING No
CLOTHING WORN | MAIN
CHARGE | WEAPON USED

VEHICLE USED IN CRIME YES (X) NO ( ) UNKNOWN ( ) STORED ( ) IMPOUNDED ( ) | YR: 67 | MAKE: FORD | BODY TYPE: 2DR | COLOR: RED
LICENSE (STATE & No): [redacted] [redacted]
REGISTERED OWNER: [redacted]
IDENTIFYING CHARACTERISTICS:
CHP 180 SUBMITTED: YES (X) NO ( ) | GARAGE NAME & PHONE: FIELD RELEASED TO R/O
VICTIM DESIROUS OF PROSECUTION: YES (X) NO ( ) | VICTIM INSURED FOR LOSS: YES ( ) NO ( ) | EAP No: —
SUSPECT/SUBJECT RELEASE APPROVED BY: — | TIME | ARREST REVIEW SUBMITTED: YES (X) NO ( )

BY DEPUTY: HOUCHENS, J. NOVAC [redacted] | BADGE No
DEPUTY: GUEVJEHIZIAN [redacted] | BADGE No
STATION: CVS | UNIT/CAR No: 77 | SHIFT: EM
APPROVED: T. HORROD [redacted] | TIME: 0630 11/27
ASSIGNMENT: HOMICIDE BUREAU
SPECIAL REQUEST DISTRIBUTION:
TT & C BY | DATE | TIME | SECTY

CRESCENTA VALLEY STATION

COUNTY OF LOS ANGELES—SHERIFF'S DEPARTMENT

COMPLAINT REPORT CONTINUATION

URN: 092-07949-0762-057

CODE: V - victim, W - witness

CODE	NO. OF	LAST NAME	FIRST	MIDDLE	SEX	RACE	AGE	CHECK DAY PHONE BELOW
V	3 of 3	[redacted]	[redacted]	[redacted]	M	W	21	

RESIDENCE ADDRESS: [redacted] CITY: ZIP: RES. PHONE (AREA CODE): [redacted]

BUSINESS ADDRESS: CITY: ZIP: BUS. PHONE (AREA CODE):

CODE	NO. OF	LAST NAME	FIRST	MIDDLE	SEX	RACE	AGE	CHECK DAY PHONE BELOW
/								

RESIDENCE ADDRESS: CITY: ZIP: RES. PHONE (AREA CODE):

BUSINESS ADDRESS: CITY: ZIP: BUS. PHONE (AREA CODE):

CODE	NO. OF	LAST NAME	FIRST	MIDDLE	SEX	RACE	AGE	CHECK DAY PHONE BELOW
/								

RESIDENCE ADDRESS: CITY: ZIP: RES. PHONE (AREA CODE):

BUSINESS ADDRESS: CITY: ZIP: BUS. PHONE (AREA CODE):

CODE: S - suspect, SJ - subject, - P - patient, S/V - suspect/victim, S/J - subject/victim

CODE: / NO. OF LAST NAME: FIRST: MIDDLE: DRIVER'S LICENSE (STATE & No.):

RESIDENCE ADDRESS: CITY: ZIP: RES. PHONE (AREA CODE):

BUSINESS ADDRESS: CITY: ZIP: BUS. PHONE (AREA CODE):

SEX: RACE: HAIR: EYES: HEIGHT: WEIGHT: D.O.B.: AGE: WHERE DETAINED OR CITE NO.:

OBSERVABLE PHYSICAL ODDITIES: AKA/NICKNAME: BOOKING NO.:

CLOTHING WORN: MAIN:

CHARGE: WEAPON USED:

CODE: / NO. OF LAST NAME: FIRST: MIDDLE: DRIVER'S LICENSE (STATE & No.):

RESIDENCE ADDRESS: CITY: ZIP: RES. PHONE (AREA CODE):

BUSINESS ADDRESS: CITY: ZIP: BUS. PHONE (AREA CODE):

SEX: RACE: HAIR: EYES: HEIGHT: WEIGHT: D.O.B.: AGE: WHERE DETAINED OR CITE NO.:

OBSERVABLE PHYSICAL ODDITIES: AKA/NICKNAME: BOOKING NO.:

CLOTHING WORN: MAIN:

CHARGE: WEAPON USED:

CODE: / NO. OF LAST NAME: FIRST: MIDDLE: DRIVER'S LICENSE (STATE & No.):

RESIDENCE ADDRESS: CITY: ZIP: RES. PHONE (AREA CODE):

BUSINESS ADDRESS: CITY: ZIP: BUS. PHONE (AREA CODE):

SEX: RACE: HAIR: EYES: HEIGHT: WEIGHT: D.O.B.: AGE: WHERE DETAINED OR CITE NO.:

OBSERVABLE PHYSICAL ODDITIES: AKA/NICKNAME: BOOKING NO.:

CLOTHING WORN: MAIN:

CHARGE: WEAPON USED:

VEHICLE USED IN CRIME YES (X) NO ( ) UNKNOWN ( ) STORED ( ) IMPOUNDED ( )

YR.	MAKE	BODY TYPE	COLOR	LICENSE (STATE & NO.)	V.I.N./FRAME NO.
67	FORD	2DR.	RED		

CHP 180 SUBMITTED YES (X) NO ( ) — GARAGE NAME & PHONE: FIELD RELEASED TO R/O — IDENTIFYING CHARACTERISTICS: (2)

76C300G—SH-R-49A- Cdb 6-75

USE FOR PROPERTY/NARRATIVE AS NEEDED

DATE 11-26-92 | TIME REC'D 0150 | OBS (X) DET ( ) CALL ( ) | URN 092-07949-0762-057

INPUT/CHECKED NCIC, CII, ETC. YES ( ) NO (X) EVIDENCE (CODE-EV) HELD YES ( ) NO ( ) MARKED, TAGGED, SEALED & PLACED IN STATION EVIDENCE LOCKER INSIDE ( ) OUTSIDE ( ) SAFE ( ) REFRIG. ( ) BY: LEDGER PAGE No.

IF BURGLARY: FORCE USED N/A YES ( ) NO ( ) POINT OF ENTRY-DOOR ( ) WINDOW ( ) ROOF ( ) OTHER

PROPERTY: (TOTAL VALUE) RECOVERED $ 13000 STOLEN $ 6000 DAMAGED $

PROPERTY CODE: S—stolen R—recovered L—lost F—found E—embezzled D—damaged (Use All Applicable Codes; For Example, If Property Is Both Stolen & Recovered, Code Is S/R) PROPERTY RELEASED TO

CODE	ITEM No.	QUAN	DESCRIPTION INCLUDE KIND OF ARTICLE, TRADE NAME, IDENTIFYING NUMBERS, PHYSICAL DESCRIPTION, MATERIAL, COLOR, CONDITION, AGE AND PRESENT MARKET VALUE	SERIAL No.	VALUE
R	1	1	1987 NISSAN TRUCK, WHITE, CA.		$
			LIC. [redacted]		7000
S/R	2	1	1967 FORD MUSTANG, RED, CA.		
			LIC. [redacted]		6000

WE RESPONDED TO THE LOCATION REGARDING A "SHOTS FIRED, REQUESTING ASSISTANCE" CALL, PUT OUT BY UNIT 76 (DEPS WILLARD AND BUSS).

WHEN WE ARRIVED (APPROX. ONE MINUTE LATER) I, DEP. HOUCHENS

SCREENING FACTORS

YES	NO		YES	NO	
X		1. SUSPECT IN CUSTODY	X		7. GENERAL SUSPECT DESCRIPTION
X		2. SUSPECT NAMED/KNOWN	X		8. GENERAL VEHICLE DESCRIPTION
	X	3. UNIQUE SUSPECT IDENTIFIERS		X	9. UNIQUE M.O. OR PATTERN
X		4. VEHICLE IN CUSTODY		X	10. SIGNIFICANT PHYSICAL EVIDENCE
X		5. UNIQUE VEHICLE IDENTIFIERS		X	11. TRACEABLE STOLEN PROPERTY
		6. WRITER/REVIEWER DISCRETION		X	12. MULTIPLE WITNESSES

PART I STATISTICAL INFORMATION — ADDITIONAL CRIMES 1) 2) — NUMBER OF VICTIMS 3

TYPE OF PROPERTY	STOLEN	RECOVERED	TYPE OF PROPERTY	STOLEN	RECOVERED
CLOTHING/FURS	$	$	JEWELRY	$	$
CONSUMABLE GOODS	$	$	LIVESTOCK	$	$
CURRENCY/NOTES	$	$	LOCAL STOLEN VEHICLES	$ 6000	$ 13000
FIREARMS	$	$	MISCELLANEOUS	$	$
HOUSEHOLD GOODS	$	$	OFFICE EQUIPMENT	$	$
			TV/RADIO/STEREO	$	$

WEAPONS CODE
( ) ARTICLES THROWN
( ) CAUSTIC CHEMICALS
( ) CLUB/BLUNT INSTRUMENT
( ) DRUGS/NOXIOUS GAS
( ) FIRE/EXPLOSIVES
( ) HANDS/FEET/FIST/ETC.
( ) KNIFE/CUTTING INSTRUMENT
( ) POISON
( ) REVOLVER/PISTOL
( ) RIFLE
( ) SHOTGUN
( ) STRANGULATION
(X) VEHICLE
( ) UNKNOWN/OTHER

CRESCENTA VALLEY STATION

REPORT CONTINUATION — NARRATIVE | URN 092-07949-0762-057

SAW A WHITE NISSAN TRUCK (R#1) PARKED APPROXIMATELY FIFTEEN FEET IN FRONT OF A MARKED RADIO CAR (UNIT 76). THE RIGHT REAR TIRE OF THE NISSAN TRUCK WAS UP ON THE SIDEWALK. APPROXIMATELY TWO HUNDRED FEET BEHIND (EAST OF) THE RADIO CAR WAS A RED FORD MUSTANG (S/R 2). ALL THREE VEHICLES WERE ALONG THE CURB ON THE W/B LANE OF FOOTHILL BLVD.

AT APPROXIMATELY 0152 HOURS, UNITS 71 (DEPS. ROUSSEAU [redacted] AND CHAVEZ# [redacted]) AND 71A (DEP. VARON [redacted] AND FORNEY [redacted]) ARRIVED TO ASSIST IN THIS INCIDENT.

AS WE EXITED OUR RADIO CAR, WE WERE ADVISED BY DEP. BUSS THAT HE HAD FOUND AND WAS DETAINING S/BRITO IN SOME BUSHES EAST OF THE LOCATION JUST OFF FOOTHILL BLVD. WITH THE ASSISTANCE OF UNIT 71, S/BRITO WAS HANDCUFFED PENDING THE ARRIVAL OF L.A. COUNTY PARAMEDIC SQUAD 19.* SEE SUPPLEMENTAL REPORT BY DEP. ROUSSEAU, SAME FILE NUMBER.
(*SEE DEPUTIES STATEMENTS PAGE #5)

AFTER WE HAD SECURED THE CRIME SCENE AREA, THE FOLLOWING NOTIFICATIONS WERE MADE: CAPT. QUINN @ 0215, S.I.B. @ 0216, DUTY CMDR. SPIERER @ 0217, CMDR. PAINTER @ 0217 AND HOMICIDE AT 0218 HRS.

CRESCENTA VALLEY STATION

REPORT CONTINUATION — NARRATIVE | URN 092-07949-0762-057

CRESCENTA VALLEY STATION

AT APPROXIMATELY 0140 HOURS, DEPS. BUSS (DRIVER) AND WILLARD (PASSENGER) WERE TRAVELING W/B ON FOOTHILL BLVD. WHEN THEY SAW THE NISSAN TRUCK (R#1) PARKED IN A NO PARKING ZONE. THEY ALSO SAW THAT THE VEHICLES R/REAR TIRE WAS ON TOP OF THE CURB. DEP. BUSS PULLED UP AND STOPPED THEIR RADIO CAR BEHIND THE NISSAN TRUCK TO INVESTIGATE FURTHER. WHEN DEP. WILLARD RAN THE LICENSE PLATE VIA THEIR MDT, S.R.C. RETURNED INFORMATION THAT THIS NISSAN TRUCK WAS A REPORTED STOLEN VEHICLE OUT OF VISALIA, CALIF. AS THEY EXITED THEIR RADIO CAR TO CHECK OUT THE NISSAN TRUCK, A RED FORD MUSTANG TRAVELING E/B, PASSED BY THE DEPUTIES, MADE A U-TURN AND STOPPED APPROXIMATELY TEN FEET DIRECTLY BEHIND THE RADIO CAR.

V/3 [REDACTED] (DRIVER OF RED MUSTANG) GOT OUT OF THE VEHICLE AND APPROACHED THE DEPUTIES. DEP. BUSS MET V/3 IN THE AREA BETWEEN THE RADIO CAR AND THE RED MUSTANG AS DEP. WILLARD WAS OBSERVING FROM THE SIDEWALK AREA. V/3 [REDACTED] TOLD DEP. BUSS THAT HE PICKED UP HIS PASSENGER (IDENTIFIED AS S/BRITO) AT THE RALPHS PARKING LOT (JUST WEST OF LOCATION) AND TOOK HIM TO GET GAS FOR HIS TRUCK.

REPORT CONTINUATION — NARRATIVE | URN 092-07949-0762-057

AS DEP. BUSS CONTINUED TO TALK TO V/[redacted], DEP. WILLARD WALKED OVER TO THE OPEN PASSENGER DOOR OF THE RED MUSTANG TO TALK TO S/BRITO.

WHEN DEP. WILLARD BECAME DISTRACTED BY V/[redacted] QUESTIONS, S/BRITO HAD JUMPED OVER INTO THE DRIVER'S SEAT OF THE RED MUSTANG AND SHIFTED THE (AUTOMATIC) TRANSMISSION INTO DRIVE (V/[redacted] LEFT THE ENGINE ON WHEN HE EARLIER EXITED HIS VEHICLE). S/BRITO THEN REFUSED DEP WILLARD'S COMMANDS TO STOP THE VEHICLE AS THE VEHICLE MOVED FORWARD TOWARDS DEP. BUSS AND V/[redacted]. DEP. WILLARD TOLD ME THAT IT APPEARED THAT S/BRITO'S RIGHT LEG GOT STUCK DURING HIS MOVE OVER TO THE DRIVER SIDE. DEP. WILLARD BELIEVED THAT, HAD S/BRITO'S LEG NOT GOTTEN STUCK, HE WOULD HAVE BEEN ABLE TO FULLY OPERATE THE THROTTLE AND ULTIMATELY RUN DOWN DEP. BUSS AND V/[redacted]. WITH HIS LEG STUCK, THE RED MUSTANG MOVED FORWARD AT A SLOW RATE OF SPEED. V/[redacted] PUT HIS HANDS ON THE HOOD OF THE RED MUSTANG IN AN ATTEMPT TO STOP THE VEHICLE.

WHEN THE RED MUSTANG WAS APPROXIMATELY FOUR FEET FROM THE RADIO CAR (WITH V/[redacted] BETWEEN THE TWO), S/BRITO PUT THE CAR INTO REVERSE AND QUICKLY STARTED DRIVING IN REVERSE. DEP. WILLARD, WHO WAS STANDING IN THE GUTTER AREA, WAS HIT BY THE VEHICLES OPEN DOOR (PASSENGER) ON HIS RIGHT HIP AREA.

SANTA CLARITA VALLEY STATION

76R288M—Sh-R-313

REPORT CONTINUATION — NARRATIVE | URN 092-07949-0762-057

DEP. WILLARD, FEARING FOR HIS SAFETY AND BELIEVING S/BRITO'S INTENTION WAS TO USE THE VEHICLE AS A WEAPON, FIRED SEVERAL ROUNDS FROM HIS SERVICE HANDGUN IN AN ATTEMPT TO STOP S/BRITO.

THE VEHICLE CAME TO A STOP APPROXIMATELY TWENTY FEET FROM THE THREE VICTIMS. AT THIS TIME DEP. BUSS, WHO HAD NOW STEPPED INTO THE TRAFFIC LANE TO AVOID THE VEHICLE, HAD MADE EYE CONTACT WITH S/BRITO. AT THE SAME TIME, THE TIRES STARTED SPINNING ON THE VEHICLE. DEP. BUSS, NOW BELIEVING THAT S/BRITO WAS TRYING TO USE THE VEHICLE AS A WEAPON AGAINST HIM AND V/[REDACTED], FIRED SEVERAL ROUNDS AT S/BRITO IN AN ATTEMPT TO STOP HIM.

ALTHOUGH THE VEHICLES TIRES WERE SPINNING AND THE CAR WAS ESSENTIALLY NOT MOVING, DEP. BUSS COULD NOT TELL IF THE VEHICLE WAS IN REVERSE OR FORWARD.

THE VEHICLE ULTIMATELY TRAVELED IN REVERSE MAKING CONTACT WITH THE OPEN PASSENGER DOOR AND CURB AS IT TRAVELED TO ITS FINAL RESTING SPOT.

CRESCENTA VALLEY STATION

REPORT CONTINUATION — NARRATIVE | URN 092-0[illegible]949-0762-057

WHILE DEP. WILLARD WAS PUTTING OUT AN EMERGENCY BROADCAST, DEP. BUSS MOVED TO THE CENTER OF FOOTHILL BLVD. AND WALKED IN THE DIRECTION OF THE VEHICLE USING THE FREEWAY PILLARS AS COVER.

DEP. BUSS THEN SAW S/BRITO EXIT OUT OF THE DRIVER'S SIDE AND MOVE TO THE SIDEWALK AREA. S/BRITO WENT E/B ON THE SIDEWALK ATTEMPTING TO ESCAPE CAPTURE. S/BRITO WAS SUBSEQUENTLY FOUND HIDING IN THE BUSHES AS PREVIOUSLY MENTIONED.

LT. REID OF HOMICIDE ARRIVED AT 0315 HOURS AND ASSUMED COMMAND OF THE CRIME SCENE AREA/INVESTIGATION.

THE NISSAN TRUCK (S/R1) WAS IMPOUNDED AND HELD FOR PRINTS AT C.V. TOW. SEE CHP 180 SAME FILE NUMBER.

I OBSERVED THE FOLLOWING DAMAGES TO THE RED MUSTANG (S/R2): PASSENGER AND DRIVER DOOR WILL NOT OPEN OR CLOSE W/O FORCE DUE TO UNKNOWN CAUSES.; FOUR BULLET HOLES IN THE WINDSHIELD.; APPROX THREE BULLET ENTRY HOLES INTO THE HOOD AND RIGHT FRONT FENDER.; DAMAGES

CRESCENTA VALLEY STATION

REPORT CONTINUATION — NARRATIVE | URN 092-07949-0762-057

DONE BY BULLET ENTRY TO, DASBOARD, WINDSHIELD WIPER, REAR PANEL, REAR SPEAKER AND FRONT SEAT.

THE RED MUSTANG (S/R 2) WAS RELEASED IN THE FIELD TO THE R/O WITH THE APPROVAL OF HOMICIDE DETECTIVES

WE CONTAINED THE CRIME SCENE UNTIL THE COMPLETION OF THE INVESTIGATION BY HOMICIDE AND OPES. TIME OF COMPLETION WAS 0645 HOURS.

CRESCENTA VALLEY STATION

76R288M—Sh-R-313

CRIME SUMMARY INFORMATION
PROBABLE CAUSE DECLARATION

File Number: 092-07949-0762	Booking Number: 3323-385
Bail Amount: $15,000	Reason for Bail Enhancement / Reduction
Arestee: (Last name, First, Middle) BRITO, ISMAEL	D.O.B. 11-15-53
[redacted]	
Booking Charges: 245.3(c)P.C., 487H PC (2 COUNTS)	Supplemental Holds: —
Date / Time of Arrest: 11-26-92 0230	48 Hour Expiration Date / Time: 11-28-92 0230
Arresting Agency/Division: L.A.S.D. CV Station P.O.R.1	Arresting Officer(s): BLISS [redacted] Deputy WILLARD [redacted]

☐ FACTS ESTABLISHING ELEMENTS AND IDENTIFICATION OF THE DEFENDANT:

WHILE INVESTIGATING AN ABANDONED STOLEN VEHICLE, BRITO, THE SUSPECT, RETURNED TO THE LOCATION. HE WAS BEING DRIVEN BY MR [redacted] (VICT) WHO HAD STOPPED AND RENDER ASSISTANCE, AFTER BRITO RAN OUT OF GAS. AS DEPUTIES TRIED TO GET BRITO TO COMPLY TO SAFETY CONTROL COMMANDS, RESTRICTING BRITO'S MOVEMENTS, BRITO JUMPED INTO THE DRIVER'S SEAT OF THE MR [redacted] CAR. BRITO FIRST DROVE FORWARD NECESSITATING DEP BLISS (VICT) TO JUMP ASIDE TO AVOID BEING HIT. BRITO THEN GEARED IT IN REVERSE AND STRUCK DEP WILLARD →

☐ SEE ATTACHED REPORTS, INCORPORATED HEREIN BY THIS REFERENCE.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

EXECUTED ON 11-26-92 AT LOS ANGELES COUNTY, CALIFORNIA,
DATE

BY SGT. E. BENNETT
SIGNATURE

EMPLOYEE NUMBER [redacted]

ON THE BASIS OF ☐ THE OFFICER'S DECLARATION ☐ REPORTS REVIEWED, I HEREBY DETERMINE THAT THERE ☐ IS ☐ IS NOT PROBABLE CAUSE TO BELIEVE THIS ARRESTEE HAS COMMITTED A CRIME.

11-26-92 — DATE
1210 — TIME
JUDGE JOSEPH DEVANON — SIGNATURE OF JUDICIAL OFFICER

CVS/120 REVISED 01-19-92

DEP. R. FORD [redacted]

CRESCENTA VALLEY STATION

WITH THE OPEN PASSENGERS RIGHT SIDE DOOR.

COUNTY OF LOS ANGELES – SHERIFF'S DEPARTMENT – SUPPLEMENTARY REPORT

DATE 11-26-92 FILE NO. 092-07949-0762-057

C. ASSAULT WITH A DEADLY Action Token ACTIVE / ADDITIONAL INFO
WEAPON ON A POLICE OFFICER, 245 (C) P.C.

V. DEPUTY WILLARD / DEPUTY BUSS

D.

S. BRITO, ISMAEL (NMN)

AT APPROXIMATELY 0150 HRS, THIS DATE, WE RESPONDED TO FOOTHILL BL / CROWN AVE RE: AN ASSISTANCE CALL BY UNIT 76.

WHEN WE ARRIVED WE SAW S/BRITO LAYING IN THE BUSHES ON THE NORTH SIDE OF FOOTHILL BL. S/BRITO WAS HANCUFFED AND BEING DETAINED BY DEPUTIES BUSS # [redacted] AND FORNEY # [redacted]

I (DEPUTY ROUSSEAU) SAW THAT S/BRITO HAD A GUNSHOT WOUND TO THE RIGHT SIDE OF HIS ABDOMEN.

ROUSSEAU, R # [redacted]
CHAVEZ, M # [redacted]
UNIT 71 EM'S

(12)

APPROVED: SGT. J. [illegible] [redacted]
ASSIGN: ALD. D.A.

CRESCENTA VALLEY STATION

REPORT CONTINUATION — NARRATIVE | URN 092-07949-0762-057

AT 0200 HRS, L.A. COUNTY FIRE DEPT, SQUAD 19 ARRIVED AND BEGAN TREATING S/BRITO. S/BRITO WAS TREATED BY PARAMEDICS NOEL AND SCHAEFER.

AT 0210 HRS, S/BRITO WAS TRANSPORTED TO HUNTINGTON MEMORIAL HOSPITAL BY MEDEVAC AMBULANCE, UNIT 141.

AT 0236 HRS, WE ARRIVED AT HUNTINGTON HOSPITAL WHERE S/BRITO WAS TREATED BY DR. MARTIN OTOOLE FOR A GUNSHOT WOUND TO THE ABDOMEN. DR. OTOOLE SAID THAT S/BRITO'S CONDITION WAS STABLE AND DID NOT NEED TO BE ADMITTED.

AT 0615 HRS, S/BRITO WAS TRANSPORTED TO LCMC JAIL WARD BY GUARDIAN AMBULANCE, UNIT 28.

AT 0632 HRS, WE ARRIVED AT LCMC WHERE S/BRITO WAS RECEIVED BY DEPUTY MISCH # [redacted] AND LEFT IN THE CARE OF DR. HASSEL.

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE NOVEMBER 26, 1992 FILE NO. 092-07949-0762-057

ASSAULT W/DEADLY WPN ON PEACE OFF. 245(3)(c) PC

C. GRAND THEFT AUTO 487(h) PC Action Taken ADDITIONAL INFORMATION

EVIDENCE SEIZED

V. 1-2 WILLARD, DAVID M. DEPUTY SHERIFF #

V/WIT 1-1 MW/21

S. 1-1 BRITO, ISMAEL "NMN" MH/39 BK # 3323-385

EV 1-1 ONE FRAGMENTED COPPER BULLET JACKET (POSSIBLE 9MM)

AT APPROX 0700 I DROVE W/ TO HIS FORD MUSTANG WHICH WAS STILL PARKED AT THE LOCATION. HE OPENED THE MUSTANG'S TRUNK, LOOKED INSIDE AND FOUND THE FRAGMENTED BULLET JACKET ON THE RIGHT, REAR SIDE OF THE TRUNK.

W/ GAVE ME THE BULLET JACKET WHICH I BOOKED INTO EVIDENCE AT C.V.S. (BOOK PAGE) A PHOTO COPY OF THE BULLET JACKET IS ATTACHED.

PAGE #1 + 2 OF THE FIRST REPORT IS ATTACHED.

BY DEPUTY SGT. R. KELLEY

DEPUTY | BADGE NO.

STATION CVS | UNIT/CAR NO. 725 | SHIFT DAYS

APPROVED SGT. E. BENNETT | TIME

ASSIGNMENT HOMICIDE BUR./CVS DB

SPECIAL REQUEST DISTRIBUTION

TT B/C BY | DATE | TIME | SECTY

092-07949-0762-057
(SUP RPT)



FRAGMENTED COPPER BULLET JACKET RECOVERED FROM VICT/WIT [redacted] FORD MUSTANG.

CRESCENTA VALLEY STATION

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

974
4341

MAJOR INCIDENT LOG

CLASSIFICATION	URN	DATE
	092-07449-0712-057	11-26-92

LOCATION: FOOTHILL BLVD / HAMPTON RD

DEPUTY INITIATING LOG	TIME	RELIEF DEPUTY	TIME	RELIEF DEPUTY	TIME
Gautenhill, W	0230				

PERSONS ENTERING SCENE

NAME (Print) / SIGNATURE	RANK / EMP. #	ASSIGNMENT / AGENCY	TIME IN	TIME OUT	REASON FOR ENTRY
BILL McSWEENEY / [signature]	LT. / [redacted]	IAB / LASD	[redacted]	[redacted]	INVEST.
Michael I. Quinn / Michael I. Quinn	Capt / [redacted]	CVS / LASD	[redacted]	[redacted]	
SANTO N. MARINO / Santo N. Marino	[redacted] / LT.	LASD / CVS	[redacted]	[redacted]	
A. ORTIZ / A. Ortiz	[redacted] / SGT.	LASD / IAB/OIS	[redacted]	[redacted]	
JAMES T. MORROW / [signature]	SGT / [redacted]	CVS / LASD	[redacted]	[redacted]	
L. MITCHELL / L. Mitchell	DEP / [redacted]	CRIME LAB / LASD	[redacted]	[redacted]	
RALPH SALAZAR / Ralph Salazar	DEP / [redacted]	CRIME LAB / L.A.S.D.	[redacted]	[redacted]	
ED. ALLEN / Edward A. Allen	SGT / [redacted]	IAB / LASD	[redacted]	[redacted]	
NANCY REID / Nancy L Reid	LT / [redacted]	Homicide / LASD	[redacted]	[redacted]	
T. REYES / T. Reyes	DEP / [redacted]	Hom / LASD	[redacted]	[redacted]	
M BICE /	DEP / [redacted]	Homi / LASD	[redacted]	[redacted]	
ELOISE E PHILLIPS / Eloise Phillips	DDA. / [redacted]	S.I.D. / LADA	[redacted]	[redacted]	
TOM MELBOURN / [signature]	Sr INV / [redacted]	/	[redacted]	[redacted]	
PATRICK MORGAN /	/ [redacted]	/ Hom	[redacted]	[redacted]	

(16)

CRESCENTA VALLEY STATION

SH-CR-620-9/85

LOS ANGELES COUNTY JAIL
BOOKING AND PROPERTY RECORD

UNK

	YES	NO
HAVE VD	☐	☐
HAVE HEPATITIS	☐	☐
HAVE TB	☐	☐
EVER HAVE TB	☐	☐

BOOKING NO.: 3323385
LOC. BKD.: LCMC
DR. LIC. NO.: [redacted]
STATE:

ARRESTEE'S NAME (LAST, FIRST, MIDDLE): BRITO, ISMAEL (NMN)

ADDRESS: UNK
CITY:
SEX: M

DESCENT	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	AGE
H	BRO	BRO	509	190	11-15-53	39

VEH. LIC. NO.: N/A
STATE:
RPT. DIST.: 0762
AKA/NICKNAME: UNK

BIRTHPLACE: UNK
FILE NO.: 092-07949-0762- ~~[illegible]~~ 05
AD. CHG.: Y

AG'Y. OR DETAIL ARRESTING: 0701
DATE & TIME ARRESTED: 11-26-92, 0200
TIME BKD.: 0300

LOCATION OF ARREST: FOOTHILL BL / CROWN ST, LA CANADA
TOTAL BAIL: 10,000

CHARGE: 245(B) (C) P.C. / F / ASSAULT ON A POLICE OFFICER W/ DEADLY WEAPON
WARR./COMM. NO.:

JAIL LOC.:
ARRAIGN. DATE: 12-01-92
TIME: 0830
COURT: GLENDALE

OUTSIDE AGENCY

LENGTH OF TIME RESIDED AT PRESENT RESIDENCE
LENGTH OF TIME RESIDED WITHIN STATE
LENGTH OF TIME EMPLOYED BY PRESENT EMPLOYER
MARITAL STATUS
NUMBER OF DEPENDENTS
AGES
MISDEMEANOR DISPOSITION BY:
HOLD
CITE
REASON

FELONY

PRISONER'S SIGNATURE WHEN BOOKED
X

SOC. SEC. NO.: [redacted]
OBSERVABLE PHYSICAL ODDITIES: TT. "LITTLE JOE JOHNNY" LT FOREARM
OCCUPATION: UNK

EMPLOYER (FIRM OR PERSON'S NAME, CITY & PHONE NO.): [redacted]
SPECIAL MEDICAL PROBLEM: GUN SHOT TO ABDOMEN

CLOTHING WORN: BLUE JEANS
LOCATION OR DISPOSITION OF VEHICLE: TOWED - CV TOW

IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE NO.): NOBODY

ARRESTING OFFICER: ~~[illegible]~~ HOUCHENS
BOOKING EMPLOYEE: ROUSSEAU # [redacted]
SEARCHING OFFICER: ROUSSEAU # [redacted]
TRANSPORTING OFFICER:

CASH RETAINED: 27.21
PROPERTY: CLOTHING WORN

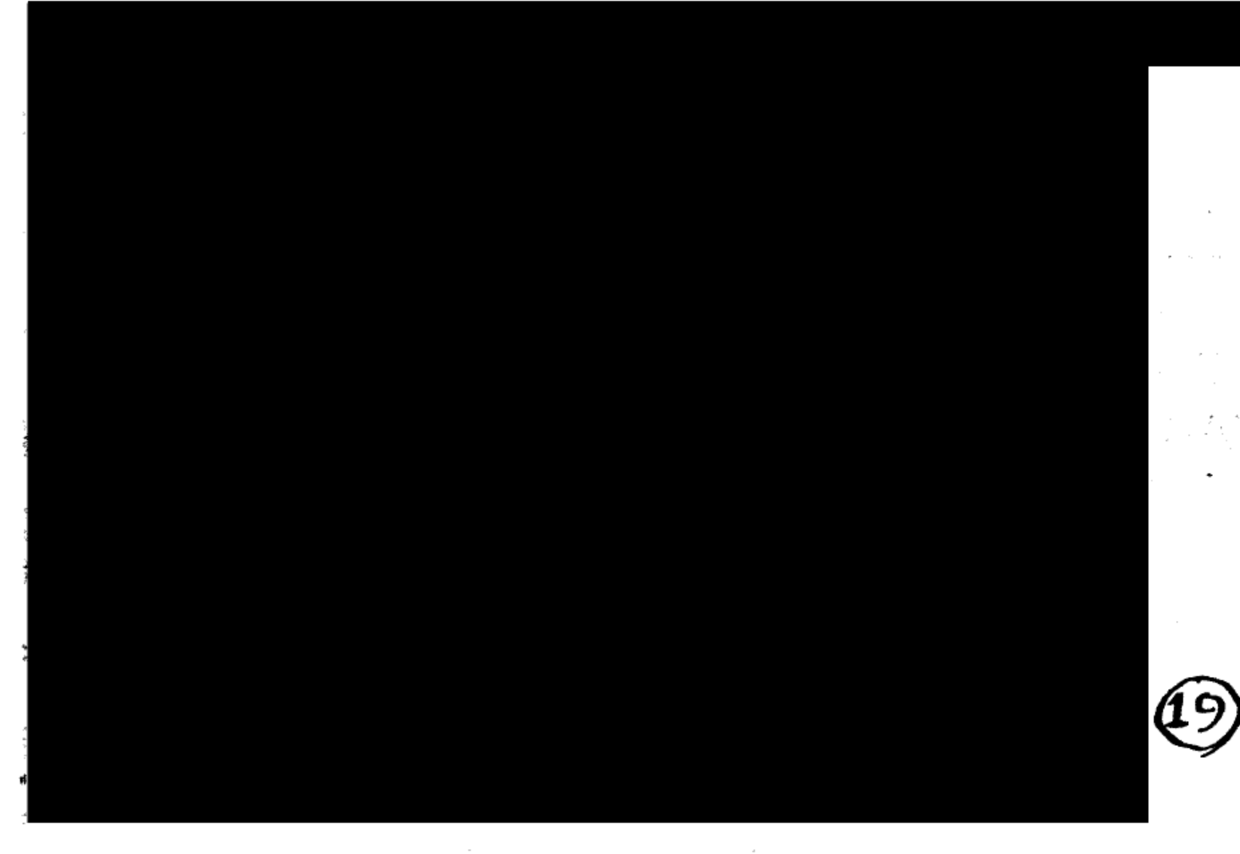
PRISONER'S SIG. FOR RECT. OF FOREGOING CASH & PROPERTY
X

CASH DEPOSITED: Ø
PROPERTY: BLK WALLET W/ MISC PAPERS, BLK BELT

PRISONER'S SIG. FOR RECT. OF REMAINING CASH & PROPERTY
X

76B650B-SH-J-293 6/89

CRESCENTA VALLEY STATION





CRESCENTA VALLEY STATION



T365 ORIGINAL

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
VEHICLE REPORT
CHP 180 (Rev. 3-88) OPI 065

RD 5008 BEAT 11

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

REPORTING DEPARTMENT	LOCATION CODE	DATE / TIME OF REPORT	NOTICE OF STORED VEHICLE DELIVERED PERSONALLY ☐	FILE NUMBER
VPD	480	11-25-92 2240		92-16821

LOCATION TOWED / STOLEN FROM	ODOMETER READING	VIN CLEAR IN SYS ☒ YES ☐ NO / LIC CLEAR IN SYS ☒ YES ☐ NO	DATE / TIME DISPATCH NOTIFIED
DEMAREE / SR198	—		

YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE NUMBER	☐ ONE ☒ TWO	MONTH / YEAR	STATE
87	NISSAN	4X4	P/U	WHT	[redacted]		9 / 93	CA

VEHICLE IDENTIFICATION NUMBER: [redacted] ENGINE NUMBER: —

APPRAISED VALUE / OWNER VALUATION: ☐ 0-300 ☐ 301-1000 ☒ 1000+ ☐ $

REGISTERED OWNER: VICTIM #4 [redacted]

LEGAL OWNER: SAME

☐ STORED ☐ IMPOUNDED ☐ RELEASED ☐ RECOVERED - VEHICLE / COMPONENT

TOWING / STORAGE CONCERN (NAME, ADDRESS, PHONE):

TOWED TO / STORED AT:

STORAGE AUTHORITY AND REASON:

DRIVEABLE ☐ YES ☐ NO ☐ UNK

VIN APPEAR ALTERED / REMOVED ☐ YES ☐ NO
VIN COMPARE WITH REG CARD ☐ YES ☐ NO

CONDITION	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	TIRES / WHEELS	CONDITION	ITEMS	IDENTIFICATION NUMBER
WRECKED			SEAT (FRONT)			REGISTRATION			LEFT FRONT		CAMPER	
BURNED			REAR (REAR)			ALT / GENERATOR			RIGHT FRONT		CARGO	
VANDALIZED			RADIO			BATTERY			LEFT REAR		VESSEL AS LOAD	
ENG / TRANS STRIP			TAPE DECK			DIFFERENTIAL			RIGHT REAR		FIREARMS	
MISC. PARTS STRIP			TAPES			TRANSMISSION			SPARE		OTHER	
BODY METAL STRIP			OTHER RADIO			AUTOMATIC			HUB CAPS			
VIN SWITCH			IGNITION KEY			MANUEL			SPECIAL WHEELS			

RELEASE VEHICLE TO: ☐ R / O AGENT ☐ AGENCY HOLD

GARAGE PRINCIPAL OR AGENT STORING VEHICLE (SIGNATURE) | DATE / TIME

NAME OF PERSON AUTHORIZING RELEASE: 12/22/92 | DATE

CERTIFICATION: I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM LEGALLY AUTHORIZED AND ENTITLED TO TAKE POSSESSION OF THE ABOVE DESCRIBED VEHICLE.

SIGNATURE OF PERSON AUTHORIZING RELEASE | SIGNATURE OF PERSON TAKING POSSESSION

☒ STOLEN VEHICLE / COMPONENT ☐ EMBEZZLED VEHICLE ☐ PLATE(S) REPORT

DATE AND TIME OF OCCURRENCE	DATE AND TIME REPORTED	NAME OF REPORTING PARTY	DRIVERS LICENSE NUMBER AND STATE
11-25-92 2230 - 2240	11-25-92 2240	[redacted]	[redacted]

LAST DRIVER OF VEHICLE	DATE AND TIME		TELEPHONE
[redacted]	11-25-92 2240		[redacted]

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF PERSON MAKING REPORT: X [redacted] DATE: 11-25-92

REMARKS
[LIST PROPERTY, TOOLS, VEHICLE DAMAGE, ARRESTS.]

REPORTED BY:
A. JARAMILLO | RO [redacted] REPORTS UNKNOWN SUSPECT(S) USED UNKNOWN TYPE OBJECT TO SMASH DRIVER'S SIDE PASSENGER WINDOW TO GAIN ENTRY INTO HIS VEHICLE. SUSPECT(S) REMOVED VEHICLE FROM PARKING LOT OF COCOMO JOE'S. VEHICLE ENTERED INTO SVS BY T390 ON 11-25-92 AT 2310 HRS.

22

SIGNATURE OF OFFICER TAKING REPORT	I.D. NUMBER	SUPERVISOR	REQUIRED NOTICES SENT TO REGISTERED LEGAL OWNERS PER 22852 CVC ☐ YES ☐ NO	DATE NOTIFIED
A. Jaramillo	[redacted]	R.m-m [redacted]		

Weekend

STOLEN / EMBEZZLED NARRATIVE

1. AREA RURAL / URBAN
2. TAKEN FROM STREET / (PARKING LOT) / GARAGE / DRIVEWAY / OTHER
3. REGISTRATION IN VEHICLE? (YES) / NO
4. WAS NEIGHBORHOOD CHECKED FOR VEHICLE, WITNESSES, CLUES, OTHER CRIMES (YES) / NO
5. PAYMENTS CURRENT? (YES) / NO
6. DOORS LOCKED? (YES) / NO
7. KEYS IN VEHICLE? YES / (NO)
8. ALL KEYS ACCOUNTED FOR? (YES) NO
9. WHEN WAS VEHICLE LAST SERVICED?
10. WHERE?
11. IS THIS THE USUAL MECHANIC? YES / NO
12. RECENTLY LEFT IN PARKING GARAGE, PARKING VALET SERVICE? YES / NO
13. IF YES, WHERE:
14. VEHICLE EQUIPPED WITH ORIGINAL ENGINE? (YES) / NO
15. ORIGINAL TRANSMISSION? (YES) NO
16. ORIGINAL PAINT? (YES) / NO
17. IF ANSWER TO 14, 15, 16 IS NO, PROVIDE ADDITIONAL INFORMATION, SERIAL NUMBER, ORIGINAL COLOR, ETC.
18. HAS VEHICLE BEEN PREVIOUSLY INVOLVED IN AN ACCIDENT? (YES) / NO
19. IF YES, HAS DAMAGE BEEN FIXED (YES) / NO
20. PARTS DAMAGED:
20. FACTORY EQUIPPED RADIO YES (NO)
21. IF NO, MAKE AND SERIAL NUMBER: HI-TECH AM/FM STEREO
22. DOES VEHICLE HAVE LOCKING GAS CAP? YES (NO)
23. IS VEHICLE FULLY INSURED? (YES) / NO
24. NAME AND ADDRESS OF INSURANCE COMPANY: STATE FARM INSURANCE
25. NAME AND ADDRESS OF NEAREST RELATIVE NOT LIVING WITH YOU: [redacted]
26. IDENTIFYING MARKS, BUMPER STICKERS, ADD ON EQUIPMENT, ETC. REAR SLIDER DENTED, "KRZR 103.7" STICKER ON REAR BUMPER, ALUM. WHEELS, CELLULAR PHONE AND CB, V'S WALLET W/CREDIT CARDS
27. SUSPECT NAME: UNKNOWN
DRIVERS LICENSE NUMBER:
ADDRESS:

HEIGHT WEIGHT EYES HAIR MISC.

RECOVERY NARRATIVE

28. NAME, DATE AND CASE NUMBER OF REPORTING AGENCY:
29. WAS NEIGHBORHOOD CHECKED FOR VEHICLE, WITNESSES, CLUES, OTHER CRIMES? YES / NO
30. AREA RECOVERED: URBAN / RURAL
31. ANY EVIDENCE LOCATED? YES / NO
32. HAVE MISSING, IDENTIFIABLE PARTS BEEN ENTERED IN SVS? YES / NO

COMPONENT RECOVERY

33. DESCRIPTION:
34. SERIAL NUMBER:

NARRATIVE

* HOLD FOR PRINTS * Morgan/Weeks.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
VEHICLE REPORT
CHP 180 (REV 4-90) OPI 065

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

REPORTING DEPARTMENT	LOCATION CODE	DATE / TIME OF REPORT	NOTICE OF STORED VEHICLE DELIVERED PERSONALLY	FILE NUMBER
LASD/CVS/FORI	1900	11-26-92/0500	☐	092-07949-0762-057

LOCATION TOWED / STOLEN FROM	ODOMETER READING	VIN CLEAR IN SVS	LIC CLEAR IN SVS	DATE / TIME DISPATCH NOTIFIED
W/B FOOTHILL BLVD. AT HAMPTON, LA CANADA		☒ YES ☐ NO	☒ YES ☐ NO	

YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE NUMBER	ONE / TWO	MONTH / YEAR	STATE
87	NISSAN	PICKUP	2/DR	WHITE	[redacted]		08/93	CA.

VEHICLE IDENTIFICATION NUMBER	ENGINE NUMBER	APPRAISED VALUE
[redacted]	UNK	☐ 0-300 ☐ 301-1000 ☒ 1000+ ☐ $

VICTIM #4

REGISTERED OWNER: [redacted]   LEGAL OWNER: [redacted]

☐ STORED ☐ IMPOUNDED ☐ RELEASED ☒ RECOVERED - VEHICLE / ~~COMPONENT~~

TOWING / STORAGE CONCERN (NAME, ADDRESS, PHONE)	TOWED TO / STORED AT
CRESCENTA VALLEY TOW 818.248.1466	SAME

STORAGE AUTHORITY AND REASON	DRIVEABLE	VIN APPEAR ALTERED / REMOVED	VIN COMPARE WITH REG CARD
22651(c) CVC - STOLEN VEH. FOUND ON HWY	☒ YES ☐ NO ☐ UNK	☐ YES ☒ NO	☐ YES ☐ NO

CONDITION	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	TIRES / WHEELS	CONDITION	ITEMS	IDENTIFICATION NUMBER
WRECKED		X	SEAT (FRONT)	X		REGISTRATION		X	LEFT FRONT	FAIR	CAMPER	NONE
BURNED		X	REAR (REAR)		X	ALT / GENERATOR	X		RIGHT FRONT	↓	CARGO	
VANDALIZED		X	RADIO	X		BATTERY	X		LEFT REAR	↓	VESSEL AS LOAD	
ENG / TRANS STRIP		X	TAPE DECK	X		DIFFERENTIAL	X		RIGHT REAR	↓	FIREARMS	
MISC. PARTS STRIP		X	TAPES	X		TRANSMISSION	X		SPARE	NONE	OTHER	
BODY METAL STRIP		X	OTHER RADIO		X	AUTOMATIC		X	HUB CAPS			
VIN SWITCH		X	IGNITION KEY		X	MANUAL	X		SPECIAL WHEELS	↓		

RELEASE VEHICLE TO: ☐ R/O AGENT ☐ AGENCY HOLD

GARAGE PRINCIPAL OR AGENT STORING VEHICLE (SIGNATURE): [signature] DATE / TIME: 11-26-92/0530

NAME OF PERSON AUTHORIZING RELEASE / DATE

CERTIFICATION: I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM LEGALLY AUTHORIZED AND ENTITLED TO TAKE POSSESSION OF THE ABOVE DESCRIBED VEHICLE.

SIGNATURE OF PERSON AUTHORIZING RELEASE / SIGNATURE OF PERSON TAKING POSSESSION

☐ STOLEN VEHICLE / COMPONENT ☐ EMBEZZLED VEHICLE ☐ PLATE(S) REPORT

DATE AND TIME OF OCCURRENCE	DATE AND TIME REPORTED	NAME OF REPORTING PARTY	DRIVERS LICENSE NUMBER AND STATE

LAST DRIVER OF VEHICLE	DATE AND TIME	ADDRESS	TELEPHONE
			( )

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF PERSON MAKING REPORT / DATE

REMARKS
[LIST PROPERTY, TOOLS, VEHICLE DAMAGE, ARRESTS.]

REPORTED BY: R. FORNEY

BROKEN LF. REAR WINDOW. SMASHED STEERING WHEEL COLUMN, IGNITION PUNTCHED.

ARREST! BRETO, ISMAEL MH/11-15-53

(24)

SIGNATURE OF OFFICER TAKING REPORT	I.D. NUMBER	SUPERVISOR	REQUIRED NOTICES SENT TO REGISTERED AND LEGAL OWNERS PER 22852 CVC	DATE NOTIFIED
R. FORNEY	[redacted]	[redacted]	☐ YES ☐ NO	

CRESCENTA VALLEY STATION

90 89684

STOLEN / EMBEZZLED NARRATIVE

1. AREA RURAL / URBAN 2. TAKEN FROM STREET / PARKING LOT / GARAGE / DRIVEWAY / OTHER 3. REGISTRATION IN VEHICLE? YES / NO

4. WAS NEIGHBORHOOD CHECKED FOR VEHICLE, WITNESSES, CLUES, OTHER CRIMES YES / NO

5. PAYMENTS CURRENT? YES / NO 6. DOORS LOCKED? YES / NO 7. KEYS IN VEHICLE? YES / NO 8. ALL KEYS ACCOUNTED FOR? YES / NO

9. WHEN WAS VEHICLE LAST SERVICED? 10. WHERE? 11. IS THIS THE USUAL MECHANIC? YES / NO

12. RECENTLY LEFT IN PARKING GARAGE, PARKING VALET SERVICE? YES / NO 13. IF YES, WHERE:

14. VEHICLE EQUIPPED WITH ORIGINAL ENGINE? YES / NO 15. ORIGINAL TRANSMISSION? YES / NO 16. ORIGINAL PAINT? YES / NO

17. IF ANSWER TO 14, 15, 16 IS NO, PROVIDE ADDITIONAL INFORMATION, SERIAL NUMBER, ORIGINAL COLOR, ETC.

18. HAS VEHICLE BEEN PREVIOUSLY INVOLVED IN AN ACCIDENT? YES / NO 19. IF YES, HAS DAMAGE BEEN FIXED YES / NO 20. PARTS DAMAGED:

20. FACTORY EQUIPPED RADIO YES / NO 21. IF NO, MAKE AND SERIAL NUMBER: 22. DOES VEHICLE HAVE LOCKING GAS CAP? YES / NO

23. IS VEHICLE FULLY INSURED? YES / NO 24. NAME AND ADDRESS OF INSURANCE COMPANY:

25. NAME AND ADDRESS OF NEAREST RELATIVE NOT LIVING WITH YOU:

26. IDENTIFYING MARKS, BUMPER STICKERS, ADD ON EQUIPMENT, ETC.

27. SUSPECT NAME: DRIVERS LICENSE NUMBER: ADDRESS:

HEIGHT WEIGHT EYES HAIR MISC.

RECOVERY NARRATIVE

28. NAME, DATE AND CASE NUMBER OF REPORTING AGENCY: VISALIA P.D. 11-25-92, 9216821

29. WAS NEIGHBORHOOD CHECKED FOR VEHICLE, WITNESSES, CLUES, OTHER CRIMES? YES / (NO) SUSPECT IN CUSTODY.

30. AREA RECOVERED: (URBAN) RURAL 31. ANY EVIDENCE LOCATED? (YES) NO 32. HAVE MISSING, IDENTIFIABLE PARTS BEEN ENTERED IN SVS? YES / (NO) NONE

COMPONENT RECOVERY

33. DESCRIPTION: 34. SERIAL NUMBER:

NARRATIVE

THIS RECOVERY OFF-SETS VISALIA P.D. STOLEN OF 11-25-92, CASE # 9216821.

R/O INFO. OBTAINED VIA. CLETS AND CONFIRMED BY D.M.V. NO OTHER WANTS SVS.

VEH ENTERED INTO SVS AS "RECOVERED" BY SECT. GRIGORIEW AT 0720 HRS.

FOR FURTHER INFO. REGARDING THIS RECOVERY REFER TO SH-AD 49 THIS FILE NUMBER.

VICT [redacted] NOTIFIED VIA PHONE, OF RECOVERY BY HOMICIDE DET BIGG.

VISALIA PD NOTIFIED OF RECOVERY, VIA PHONE, BY SGT. C. BENNETT [redacted]

CRESCENTA VALLEY STATION

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT SUPPLEMENTARY REPORT
HOMICIDE BUREAU

DATE: 12-04-92 **FILE:**092-07949-0762-486

C - 487 PC, Grand Theft Auto; Officer Involved Shooting

ACTION: ACTIVE/Crime Scene Investigation Made, Evidence held

V - Willard, David (Deputy)
Buss, William (Deputy)

S -

L - Foothill Boulavard, between Hampton and Crown, Cresenta Valley

D - 11-26-92, Thursday, 0208 hours

EVIDENCE HELD

Item (1) - (10) Ten expended shell casings stamped - WIN 9MM LUGER

Item (2) - (1) One baseball cap, faded green in color

Item (3) - (1) One mens' sweater, navy blue in color

Item (4) - (1) One 'bola' necktie, black in color with silver color clasp

Item (5) - (1) One mens' shirt, white with thin red stripes

Item (6) - (1) One pair of boots, tan in color, brand name Dingo

Item (7) - (1) One zip nylon bag, green color, containing the following:
1-black stocking knit cap
1-pair white Reebock mens' tennis shoes
1-blue baseball cap with Joe Camel logo
1-grey t-shirt with black stripe
1-agua polo knit mens' shirt
1-pair faded blue mens' Levis
1-multi colored fringed blanket
2-screwdrivers, 6 inch
1-wire cutter pliers
* 1-long screwdriver
* 1-claw hammer with silver duct tape around handle

Item (8) - (1) One black plastic cap/starter pistol

Item (9) - (1) One empty pint bottle of Hiram Walker peppermint schnapps

Item (10)- (1) One, 1987, white, Nissan, king cab, pickup truck, California license plate [redacted]. (CHP 180 report form for impound included)

Item (11)- (1) One envelope containing one deformed expended bullet and one expended copper bullet jacket.

0245 hours

Investigators Bice and Reyes were detailed to respond to the location to assist investigators Morgan and Wachmuth at the scene of a deputy involved shooting. Investigators arrived at 0420 hours and were assigned to coordinate the investigation at the shooting scene. Deputies Larry Mitchell and Ralph Salazar, assigned to Sheriff's Crime Lab, Crime Scene Investigations, responded and took photographs, video tapes and diagramed the scene as directed by investigators. The diagrams enclude exact measurements of the scene(s), and will be reproduced 'to scale' upon request.

SCENE

The location is on the north curb and the #2 westbound lane, of Foothill Boulevard between Hampton Road and Crown Avenue. The 210 (Foothill) Freeway crosses over Foothill Boulevard at this point.

Foothill Boulevard is a four lane, east/west, roadway between Hampton and Crown. There are two westbound lanes and a left turn lane at the intersection of Hampton and Foothill. Hampton Road is called Geogian Road on the south side of Foothill Boulevard.

There was a white, king cab, Nissan pickup truck, California license plate [redacted], parked at the north curb of Foothill Boulevard facing west. The right rear tire of the pickup was on the curb.

There was a Cresenta Valley Sheriff's black and white radio car, #34412, California licence plate #(E)356468 parked, facing west, at the north curb behind (east of) the pickup truck.

A red, Ford Mustang, California license plate [redacted], was also parked along the north curb of Foothill Boulevard, facing west, some distance behind (east of) the above mentioned Sheriff's patrol car.

Investigators recovered ten, 9mm shell casings, (evidence held item #1), from the north side walk and the westbound lanes of Foothill Boulevard just east of the radio car. A faded green baseball cap, (evidence held item #2), was recovered on the north sidewalk east of the Ford Mustang. A navy blue, mens' sweater, (evidence held item #3) and a black bolo necktie, (evidence held item #4) were recovered from the north sidewalk

and the #2 westbound lane east of the baseball cap.

There was an east/west sidewalk on the north side of the north curb of Foothill Boulevard, which is bordered on the north by a chainlink fence that is approximately 7 feet tall. This fence begins at the corner of Hampton and culminates at a business driveway located approximately 480 feet east. A white mens' shirt with thin red stripes that had blood on it, (evidence held item #5), and a pair of mens' cowboy boots, (evidence held item #6), were recovered in the area of this driveway. A tall wrought iron fence and gate enclose this driveway and connect to the earlier mentioned chain link fence.

Upon closer examination of the white Nissan pickup truck, investigators discovered the doors were closed but not locked. The left rear cab window was shattered, the rubber window molding was removed and thrown into the truck bed. The rear window was open approximately 2 inches. The plastic steering column ignition casing was broken and the ignition was hot wired. There was a long screwdriver, a claw hammer with silver duct tape wrapped around the handle (see * evidence held item #7), and a pint bottle of schnapps, (evidence held item #9), stuck in the center console area between the seats. There was a nylon zip bag containing misc clothing and additional tools, (evidence held item #7), on the passenger side floorboard and a black plastic cap pistol and a black stocking knit cap, (evidence held items #8 and *#7), recovered from the floor area on the left side of the passengers seat.

The cap pistol, (evidence held item #8), and the schnapps bottle, (evidence held item #9), were transported to Sheriff's Crime Lab to be examined for fingerprints.

Personal items belonging to Richard Marlin, the registered owner of the pickup truck, were removed from the glove compartment by investigators and mailed to him, per his request. While talking to Mr. Marlin via telephone he said none of the items recovered as evidence from the pickup truck belonged to him.

This vehicle was impounded, (evidence held #10), and held for prints. Deputy and latent print examiner and photographer Larry Mitchell responded to the storage yard on Monday 11-30-92, processed the vehicle for prints and authorized it for release per investigators.

Investigators noted the Sheriff's radio car was parked in a position slightly off center to the left rear of the pickup. The rear amber light bar was on, the front spots were positioned in the direction of the pickup truck. The drivers window as down and the left passenger door was open.

Closer examination of the red Ford Mustang license [redacted], revealed numerous bullet holes. The vehicle is described as a 1967, two door fastback, Ford Mustang. The drivers side window was rolled completely down and the door was closed. The passengers window was rolled halfway

down and the passenger door was opened all the way and was sprung. The keys were in the ignition and in the "on" position. The vehicles automatic transmission lever, located on center console, was in drive. There was shattered glass on the right front passenger seat, which came from the windshield. There are two black vinyl bucket seats in the front compartment, with a black vinyl fold down bench seat in the rear passenger compartment, and black carpeting throughout the vehicle. There was a red plastic gasoline can on the right front passenger floor board, full of gasoline. There was a large black duffle bag with the witnesses clothing on the back seat. There were miscellaneous tools on the rear floor board of the vehicle, along with miscellaneous change and cassette tapes strewn about the car.

The exterior of the vehicle is described as follows:

One bullet strike mark, front to rear, on left rear quarter panel and centered above the left rear tire.

One bullet strike mark on the front lower portion of the drivers' door.

The drivers' door is sprung, left fender is dented, and the paint is chipped where the door and fender meet.

One bullet hole on the side of the left fender, above and to the rear of the left front tire.

One strike mark on the top of the left fender with a large portion of the paint chipped out, located forward of the left tire.

Two bullet holes in the drivers' side of the windshield. One bullet hole is located in the lower left side, in which the bullet traveled through the left side of the dash board, through the left rear panel, and lodging within the trunk panel. The second bullet hole was located slightly above and to the left of the first bullet hole.

One bullet hole at the rear of the right front fender, just below the windshield. This bullet caused a large paint chip on the rear side of the fender.

One bullet strike on the right side of the cowling panel, (not part of the hood), near the right rear side of the hood. This bullet strike caused the metal to tear, ricochet, then bounce on the windshield two times, which caused two additional strike marks on the windshield above the right windshield blade.

One bullet strike on the right windshield blade, which caused the bullet to deflect and travel through the windshield, dashboard, and finally lodge in the right rear speaker that was mounted on right rear inner panel, above the back seat. Evidence item #11, expended copper bullet jacket, was removed from this speaker by investigators.

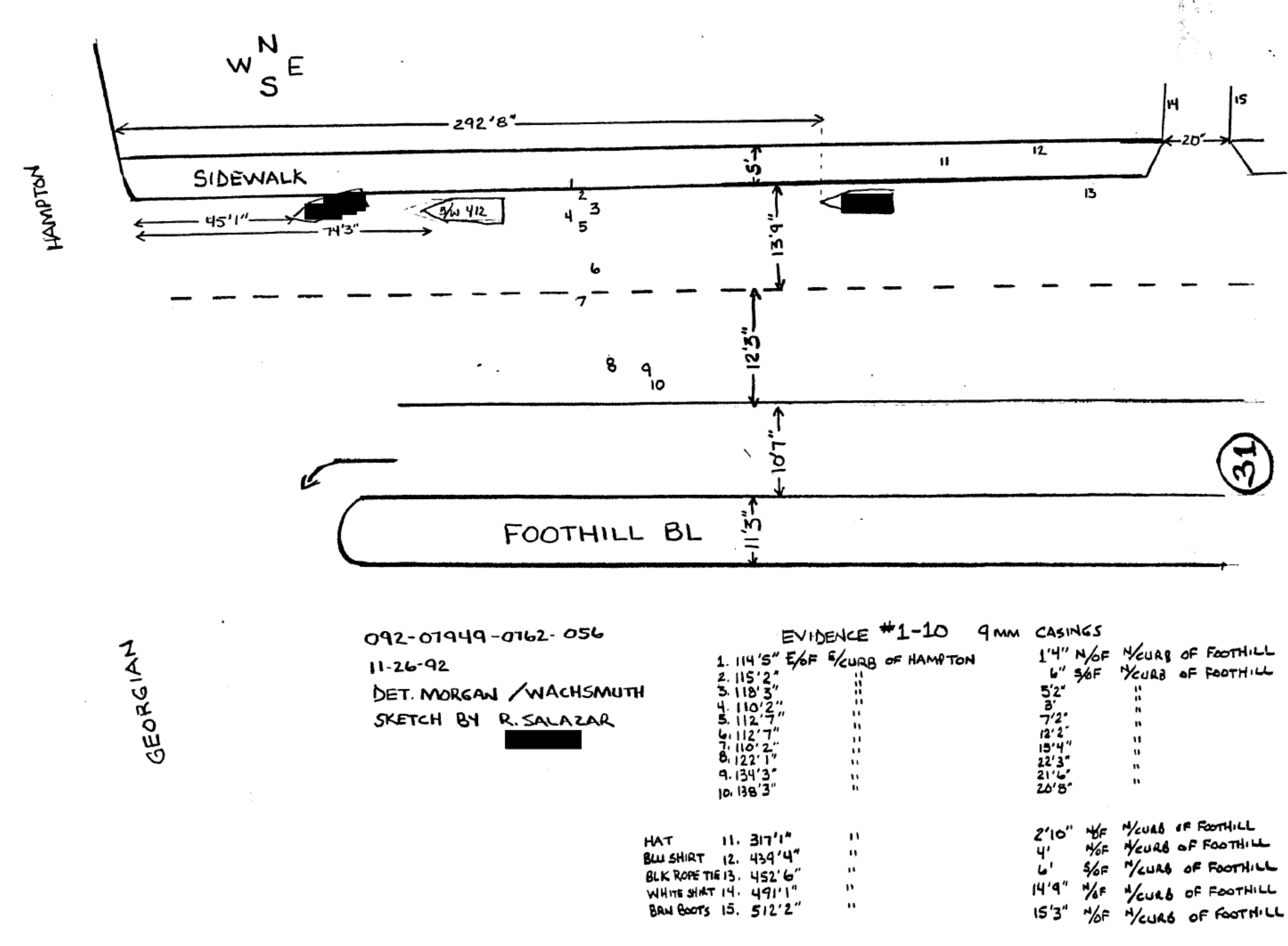
One bullet hole on the right side of the windshield near the windshield post. This bullet traveled through the windshield, entered the right rear deck panel, and came to rest in the trunk. This deformed bullet, evidence item #11, was recovered from inside the trunk by investigators.

This case is to remain active further reports to follow.

SUBMITED BY: M. BICE, DEPUTY #
I. REYES, DEPUTY #

APPROVED BY: N. REID, LIEUTENANT

HOMICIDE BUREAU/DETECTIVE DIVISION



N
W
E
S
HAMPTON
GEORGIAN
SIDEWALK
FOOTHILL BL
292'8"
45'1"
74'3"
5'
13'9"
12'3"
10'7"
11'3"
20'
S/W 412
092-07949-0762-056
11-26-92
DET. MORGAN / WACHSMUTH
SKETCH BY R. SALAZAR
EVIDENCE #1-10 9MM CASINGS
1. 114'5" E/OF E/CURB OF HAMPTON 1'4" N/OF N/CURB OF FOOTHILL
2. 115'2" " 6" S/OF N/CURB OF FOOTHILL
3. 118'3" " 5'2" "
4. 110'2" " 3' "
5. 112'7" " 7'2" "
6. 112'7" " 12'2" "
7. 110'2" " 13'4" "
8. 122'1" " 22'3" "
9. 134'3" " 21'6" "
10. 138'3" " 20'8"
HAT 11. 317'1" " 2'10" N/OF N/CURB OF FOOTHILL
BLU SHIRT 12. 439'4" " 4' N/OF N/CURB OF FOOTHILL
BLK ROPE TIE 13. 452'6" " 6' S/OF N/CURB OF FOOTHILL
WHITE SHIRT 14. 491'1" " 14'9" N/OF N/CURB OF FOOTHILL
BRN BOOTS 15. 512'2" " 15'3" N/OF N/CURB OF FOOTHILL
31

1 NOVEMBER 26, 1992 AT 0500 HOURS

2 -ooOoo-

3 STATEMENT OF [redacted]

4 Taken at Crescenta Valley Sheriff's Station, in the presence of
5 Sergeant **PATRICK MORGAN AND ROBERT WACHSMUTH,** Los Angeles
6 County Sheriff's Department, Homicide Bureau. Case under file
7 #092-20794-0762-011. Transcribed by Benita Leon, Word
8 Processor II.

9 -ooOoo-

10 SGT. MORGAN: Today's date is November 26th, 1992, the time is
11 0500 hours, speaking is Investigator Patrick Morgan, accom-
12 panied by Detective Sergeant Robert Wachsmuth. We are
13 presently in the conference room at Crescenta Valley Sheriff's
14 Station, uhm, interviewing Witness [redacted]
15 [redacted].

16 Q [redacted], we spoke briefly before this tape recorded
17 started regarding what transpired tonight when some deputies
18 were involved in a shooting. I like you to go back from the
19 very beginning of uhm, -- the events that lead up to the shoot-
20 ing taking place, and -- I like you to just go ahead and give
21 us a narrative as to what happened.

22 A Starting from the time I got off the freeway. You
23 know, I filled up my gas tank and all that.

24 Q You can -- you can describe that briefly --

25 A Okay.

26 Q -- but mostly the contact you had with this in-
27 dividual.

1 A Okay. Well, I -- I pulled into the -- I pulled into
2 Ralphs, I got out, I was gonna get my parents Thanksgiving
3 gift, they were close. I came back to my car. Uhm, a Hispanic
4 gentleman came up to me, probably in his 30's. Uhm, he asked
5 me to, yeah, give him a lift to, because he ran out of gas.
6 Uhm, he offered me $10.00 to take him to a gas station. So,
7 you know, I was gonna help him, out, I said, "yes." So, he got
8 into the car, threw the $10.00 down on my center console. Uhm,
9 we proceeded down Foothill, first went to a 76 Station, talked
10 to a Black gentlemen, told us that he didn't have a gas can,
11 so, we went across the street to the shell station, which the
12 guy notified that he needed a deposit, he didn't have any --
13 the Hispanic guy didn't have any identification or any money to
14 give him. Uhm, so I put down my Shell Credit card, as a col-
15 lateral, since I was going back that way, I'd drop off the gas
16 cap. So, he proceeded to fill up the gas can, on -- up #2, on
17 $3.80, three dollars and .80 cents of gas, in the -- uhm, in
18 the pump. I paid for it -- with - with the $10.00 that he gave
19 me. Uhm, we got back in the car. I turned right onto -- on
20 Angeles Crest, got on the freeway. Uhm, he said that he - his
21 car was by Gold -- which wasn't true, but we -- we exited Gold,
22 uhm, went to a stop light, near Ralphs' we saw a police car go
23 down Foothill Boulevard. I was in a stop light. When the stop
24 light turned green, I turned left. Uhm, I saw the cop car be-
25 hind the white truck that he identified as his. Uhm, the
26 Mexican guy got really, you know, nervous and -- and he was
27 saying to keep driving, "don't go -- don't go there." Uhm -- I
28 thought peculiar, you know, I -- I questioned him "Why?" He

1 said that he was drunk. He has been -- he has been drinking
2 and he didn't have any registration, he was gonna get in
3 trouble. Uhm -- being, uhm, yeah, and I didn't want to get in
4 trouble, I pulled up behind the uhm, the cop car. I left my --
5 my car running unfortunately. I got out of the car to explain
6 to the officer that I -- helped this guy get some gas. Uhm, he
7 told me to put my hands up. Uhm, did a minor search, told me
8 to stand behind them. Uhm, one officer, the dark haired went
9 to the passenger side and told me to get out of the car. Uhm,
10 he opened up the door at this time, he had his weapon out.
11 Uhm, --
12 Q The officer had his weapon out?
13 A That's right. Uhm, he told me to get out of the car.
14 He wouldn't get out of the car. The cop opened the door. Uhm
15 --
16 Q The passenger door?
17 A The passenger door. Uhm, the other cop went to the
18 driver side and was telling him to get out of the car. Uhm --
19 I was standing in front of the Mustang, and in back of the
20 police car. Uhm - the Mexican guy got into my -- he, crossed
21 over the console and got into the driver seat. He was fooling
22 around with the - the shifter level, lever --
23 Q What were the deputies doing?
24 A They're screaming, "Get out of the car, freeze."
25 Uhm, they old him not to move, they told him to get out of the
26 car. He didn't get out of the car. Uhm -- he put -- he put
27 the -- the shifter on drive. The car went forward about a
28 foot. Then he put it in neutral, then he put it reverse. And



1 slammed on the gas and went --he went backwards. At that time,
2 uhm, the officers fired shots. And I think it was four shots,
3 maybe it was three, but I think it was four. Uhm, three shots
4 were fired by the officer on the passenger side and one shot
5 was fired by the officer on the driver side. At that time the
6 car stopped and -- and the guy got out of the car and started
7 running up the street.

8 Q When the -- when the car was going backwards, uhm,
9 what was the suspect doing?

10 A Uhm, he was -- he was in the car.

11 Q Could you see him?

12 A No, I couldn't see him.

13 Q Uhm, and you were -- you were -- where were you,
14 right in front?

15 A I was in front, yes. The headlights were shining in
16 my face, that's probably why I couldn't see. Uhm. he got out
17 of the car and started running. Uhm, the officer on the left
18 stayed with the car and radioed for backup. Uhm, the other
19 guy, the other officer that was on the driver side ran out of
20 the street, in the middle of the street chasing the - the
21 Mexican guy. Uhm -- the uhm, - the officer on the passenger
22 side told me to get behind, you know, stationary objects like I
23 can get shot. And they -- they asked me if -- if he had a
24 weapon, I said, "it didn't appear he had a weapon." Uhm,
25 that's basically the story.

26 Q Did you see the deputies apprehend him and -- and ar-
27 rest him?

28 A No. I -- I hear -- well, I heard that, yeah.

1 Q No, I don't want you to tell me what you heard, just
2 what you saw.
3 A No, I didn't - I didn't see anything like that.
4 Q Alright, very good. That will conclude the interview
5 of Witness [redacted]. Ending time is 0510 hours.
6 END OF RECORDING

1 NOVEMBER 26, 1992; AT 0608 HOURS

2 -oo0oo-

3 STATEMENT OF DEPUTY WILLIAM BUSS

4 Taken at Crescenta Valley Sheriff's Station, in the presence of
5 Sergeant **PATRICK MORGAN AND ROBERT WACHSMUTH,** Los Angeles
6 County Sheriff's Department, Homicide Bureau. Case under file
7 #092-20794-0762-011. Transcribed by Benita Leon, Word
8 Processor II.

9 -oo0oo-

10 SGT. MORGAN: Today's date is 11-26-92, Thursday. The time is
11 0608 hours. The file number is 092-20794-0762-057, a deputy
12 involved shooting. Speaking is Investigators Patrick Morgan,
13 Los Angeles County Sheriff's Department, Homicide Bureau, ac-
14 companied by Detective Sergeant Robert Wachsmuth. We are
15 currently in the conference room at Crescenta Valley Sheriff's
16 Station interviewing Deputy William Buss, who was involved in a
17 deputy involved shooting, earlier this morning. Deputy Buss, I
18 like you to just give us a narrative as to what transpired ear-
19 lier this evening that lead up to you being involved in the
20 shooting.

21 A We were westbound on Foothill Boulevard, when we saw
22 a white, I believe it was a Toyota pickup.

23 Q Who were you with Deputy ___

24 A I was with Deputy Willard. I was driving the patrol
25 unit to this night. And we saw a -- the Toyota pickup parked on
26 the right hand curb and the right rear wheel was on top of the
27 curb. We past this truck once earlier, and uhm, but instead we
28 went after a carload of juveniles that was parked right behind

1 it. Uhm, we determined that they were not up to any criminal
2 activity. They had just stopped there in the overpass to talk
3 to so some people on the other car. We went back and checked
4 that car out. Again, we were westbound ___ Boulevard. We had
5 to make a U-turn around an island to get around to behind the
6 pickup truck. Deputy Willard ran the plate on the MDT. The
7 SRC came back with wanting to know our 10-20, and our status,
8 rea, 10-29 Victor, we reported 9-17 A only. We then got out of
9 the -- out of our patrol unit to walk up to the pick up truck
10 to check it more thoroughly. As I walked up, I saw a gas cap
11 in the bed of the truck. I also saw that the left window as
12 the king cab, left window behind the driver's door was broken
13 out. There was no broken glass on the ground. I checked be-
14 hind the seats, there was no one there. I checked the front
15 seats. And there was no one in there. I then looked and saw
16 that the radio was still in the car. Then, I noticed the CB
17 was in the car also, was in -- was in the truck. And we
18 thought that that was odd. I also saw an alcohol bottle
19 stuffed between the two front seats and something sticking up
20 with mas -- duct tape on it, like it would have been a jail
21 shank. Something to this nature. Then, turned around and
22 Deputy Willard and I were talking about what we were seeing
23 from the different sides of the truck. I then --
24 W Deputy Buss when you approached this car, did you
25 have your firearm drawn?
26 A Yes, I did. I had my weapon out, my flashlight in my
27 left hand. I then, as we were talking I saw another set of
28 headlights behind our patrol unit. At first I thought it might

1 be another patrol unit, just checking on us to see what we were
2 doing. I then saw it was red colored car. And -- 'cause
3 routinely happens, specially on long weekends, in this part of
4 Foothill Boulevard, near the freeway, people stop behind us
5 when we are making traffic stops to ask for directions. I just
6 in the midst of my mind that that's what they were doing. That
7 is just somebody gonna ask for directions. We couldn't see
8 very well do to the illumination from our patrol unit. So, we
9 walked back. I'm on the street side of the patrol unit. And,
10 just as I get past the spotlight in the patrol unit I see that
11 a male White, wearing a white sweatshirt, had gotten out of
12 this red car and he is starting to walk forward to us. And --
13 he starts to walk up to the sidewalk, to walk toward Deputy
14 Willard. And he just said that he had picked up this guy and
15 his truck has just ran out of gas and he was just bringing it
16 back. He was still trying to walk toward Deputy Willard and I
17 ______ to see that there was a male Hispanic sitting on the
18 passenger side of the red car. So, I tried to get the male
19 White step over toward me. I called, you know, I just told
20 him, "Come on over here, let's talk to me. Come on over here."
21 And I then had him put out his cigarette. I told him to throw
22 his cigarette down, turned around, put his hands behind his
23 back. I then holstered my weapon, and when I got his hands be-
24 hind his back, I grabbed his fingers with my left hand. I
25 transferred my flashlight to my right hand, I grabbed his
26 fingers with my left hand, I then put my flashlight in my right
27 zap pocket and was starting to pat him down. And I looked to
28 my right and toward the car and I saw the male Hispanic he is



1 now behind the driver's wheel, the driving wheel of the car. I
2 also noticed that Deputy Willard was standing in, or right be-
3 hind the open door on the right hand side of the right car.
4 Q That would the passenger side?
5 A The passenger side. He was talking to the in-
6 dividual. The car then started moving forward.
7 Q Could you hear what Deputy Willard was saying?
8 A He was trying to get him to get out of the car, to
9 get out of the car, come on over here. And -- That's all I
10 call really understand at this point. I was trying to talk to
11 the individual in the white sweat shirt. The car then started
12 to come forward. At this point, I realized it was going to
13 trap me between the red car and the patrol unit.
14 Q How far was the right car from the patrol unit?
15 A 10 feet, 15 at the most.
16 Q I let go of the person wearing the white sweatshirt
17 and moved to my right back out toward the center of the street
18 again to get out of the way of this car. I got somehow around
19 the side of the car on the driver side of the car. I think I
20 grabbed the door handle with my left hand. I had my weapon in
21 my right hand and I don't realize how I got it into my hand. I
22 -- I know I put it in the holster and I snapped the strap over
23 it, it's back in my hand. I think I pointed it right at the
24 individual, the male Hispanic he's in the driver seat. I
25 pointed it at his face and I told him, "Get out of the car."
26 At this point I thought about opening the car door and try to
27 pull him out, but I didn't want to get behind the door like
28 that, so, I never opened the door. The -- he then started to



1 move the car backwards. About this time, I heard Deputy
2 Willard, or someone starting to open fire. I don't know what's
3 going on, where Willard is, or the individual with the white
4 sweat shirt. I didn't see them at this point. My eyes were
5 focused on the car. He -- he went backwards, maybe 20 feet.
6 Q Was he burning rubber when he did this?
7 A No. The car rolled slowly. A little bit too fast
8 for anybody to keep up with, but it was going backwards. He --
9 the car then stopped, and it's pointed right at me, it is
10 swerved a little bit toward the -- the rear end toward the
11 curb, as it went backward. And I was looking at this male
12 Hispanic. He and I were looking eye ball to eye ball, and
13 it's, like what, 20 feet, I felt like 10 yards, there about. I
14 then heard rubber burning and he is looking right at me. And I
15 -- I was standing in the road. There was no where else for
16 him to go. I thought he was going to take that car and mow me
17 down. I thought he was gonna run me right over. Uhm, my
18 Beretta then came up and I fired three to four rounds, I
19 thought at the time. Uhm, I saw the windshield in front of his
20 face brake. I then realized that the car was going backwards.
21 I, uhm, I then ran to the center island and -- saw the car was
22 still moving backwards and ran along the center island. I was
23 on the island, I ran eastbound there on the center island.
24 SGT. WACHSMUTH: Well, why -- why did you run along the
25 center island.
26 A As far as I was concerned he -- he was a fugitive and
27 he was trying to get away.

1 Q Was there anything of protection there at the center
2 island?
3 A There were the pillars. I was on the north side of
4 the pillars, but uhm, there were close enough, but I felt like
5 I could run around and get behind one of them. Uhm, I wanted
6 to keep the car inside the best I could at this point.
7 Q Those are the freeway overpass pillars?
8 A Yes. They are.
9 Q Keep going.
10 A The car then hit the curb, or stopped, the driver got
11 out and started running eastbound on Foothill Boulevard. He
12 got up on the sidewalk down the north side and I was trying to
13 keep up with him, and I was standing in the -- on the center
14 medium, 'cause I didn't know if he had a weapon at this point
15 or not. He took off a jacket he had and threw it on the
16 sidewalk. And he is running along a wrought iron fence, along
17 the south side of the -- Flentridge preparatory school. He
18 runs along and then he takes his shirt off, and all I could
19 think at that point was that he was trying to loose his cloth-
20 ing, so he could try to run and hide in the residential area.
21 So, I was just trying to keep an eye on him. Deputy Willard
22 had already put out a 10-33. We had units rolling to our loca-
23 tion. He then ran toward the portion of the wrought iron fence
24 and ran behind the bushes, about 4 feet high, and his arms went
25 up to reach for the top of the fence, but he didn't go up, he
26 went down instead to the ground behind this bush. I continued
27 eastbound to where I could see him around the east side of that
28 bush, and he was laying on the ground and his hands were in

1 front of him. And so, I then, left the center medium and
2 crossed over toward him. I covered him, and I heard Willard
3 put out on the radio that he had a suspect detained in the car.
4 I thought he still had another person in the car. So, all I
5 put out at that time was I needed 902R, suspect down. Uhm, the
6 first unit that arrived, went and assisted Willard in clearing
7 the car. And uhm, and then they came on over to me and I was
8 standing maybe 5 to 6 feet away from this individual I could
9 see that he was bleeding from his right lower back side area.
10 And -- they came and hooked him up. I then holstered my
11 weapon. And walked back toward the patrol.
12 SGT. MORGAN: I have a question that I want to ask. When
13 you fired the three shots at the car, had Deputy Willard al-
14 ready fired?
15 A Yes. He had already --
16 Q Or was it simultaneous?
17 A No, he had already been firing.
18 Q He had been firing? Had he finished?
19 A Not to my knowledge.
20 Q So, your three rounds were fired as he was still
21 shooting, but it was towards the end of him shooting?
22 A Yes.
23 Q Alright, and the car was moving was stationary when
24 you fired, when you thought it was coming forward, but it ac-
25 tually going backward?
26 A It was stationary, yes.
27 Q It was stationary, when you fired.

1 A I -- was just looking over the top of my weapon to
2 make sure, to see if it was stopped, and then I noticed it was
3 going backwards.
4 Q Alright.
5 SGT. WACHSMUTH: Just had -- just had commenced to go
6 backwards.
7 A As I -- I believed it had just commenced to go back-
8 wards, as my third round went off. My last round, third or
9 fourth.
10 SGT. MORGAN: Very good, that will conclude the interview.
11 The time is 6:23 hours.
12 END OF INTERVIEW.

1 NOVEMBER 26, 1992; AT 0525 HOURS

2 -oo0oo-

3 STATEMENT OF DEPUTY DAVID WILLARD

4 Taken at Crescenta Valley Sheriff's Station, in the presence of
5 Sergeant **PATRICK MORGAN AND ROBERT WACHSMUTH,** Los Angeles
6 County Sheriff's Department, Homicide Bureau. Case under file
7 #092-20794-0762-011. Transcribed by Benita Leon, Word
8 Processor II.

9 -oo0oo-

10 SGT. MORGAN: Today's date is November the 26th, 1992,
11 Thursday. The time is 0525 hours, file number 092-20794-0762-
12 057, deputy involved shooting, speaking is Investigators
13 Patrick Morgan, L.A. County Sheriff's Homicide Bureau, accom-
14 panied by Detective Sergeant Robert Wachsmuth. We are
15 currently in the conference room at Crescenta Valley Station,
16 interviewing, Deputy David Willard, who was involved in a
17 deputy involved shooting.

18 Q David, I like you in your own words, to tell us what
19 happened earlier this evening. What lead up to you being in-
20 volved in the shooting.

21 A Alrigth. Deputy Buss and I were traveling westbound
22 on Foothill Boulevard, approaching Hampton. We saw a Taxi, and
23 another compact car, both loaded down with kids. And the
24 pickup truck, uhm, with one wheel parked up on the curb. Uhm,
25 both vehicles pulled away from the truck. Uhm, we elected to
26 fallow the small compact, we followed it to the Ralph's
27 Shopping Center at the corner of the Foothill -- Foothill and



1 Gold we made contact with them, we found out they were just lo-
2 cal kids, who knew some of the kids in the taxi cab. They were
3 just talking happened to pick that intersection. Uhm, so, uhm,
4 we released them, decided to go back to the pickup and uhm, ran
5 the license plate. We pulled in behind it facing westbound on
6 Foothill, ran the plate and we were advised by SRC that it was
7 stolen vehicle.
8 Q About what time was this David?
9 A The best I can recollect is uhm, between 1:;30 and
10 1:45, somewhere in that time frame.
11 Q Okay. Continue, please.
12 A Came back stolen. We both got out of our patrol
13 vehicle. Deputy Buss being the driver. He approached the
14 truck on the driver side, I approached on the passenger side.
15 We wanted to make sure that nobody was hiding in the truck or -
16 - or -- asleep in the truck or anything. We got up there, we
17 found that it was a broken window I believe. The ignition had
18 been punched, but we're talking back and forth, because what we
19 thought was kind of unusual was the cellular phone, the radio
20 and there was a CB were all still inside the truck. We thought
21 that was kinda of unusual for a stolen. Uhm, while we were
22 looking inside, a red Mustang came eastbound on Foothill, made
23 a U-turn around the island and pulled in directly behind our
24 patrol car. Uhm, -- Buss and I talked about that a little bit.
25 We thought, you know, what are this guys doing. We need to go
26 back and contact them right away. So, uhm, Deputy Buss still
27 on the driver side of the -- or actually out on the street, ap-
28 proached the driver side of the Mustang. I walked up the



1 sidewalk and approached the passenger side. As we approached
2 the driver of the Mustang, got out of the car, uhm, Deputy Buss
3 and I still had our weapons drawn, from searching the vehicle.
4 I went up to the passenger side. As I did that the passenger
5 door also came open. I -- uhm, moved forward, told the pas-
6 senger to stay on the car. While Deputy Buss contacted the
7 driver and asked him what he was doing. I couldn't hear all of
8 their conversation, exactly what was going on, but I did hear
9 the driver say that he had given the passenger in his vehicle,
10 a ride to a gas station to get gas, because his truck had ran
11 out of gas. I immediately felt that the passenger inside the
12 Mustang must have been the suspect in the stolen vehicle. I
13 ordered him to put his hands on the dashboard of the Mustang
14 and he didn't comply. I ordered him a second time, he still
15 didn't comply, and at that time, my attention was diverted to
16 Deputy Buss and the driver of the Mustang, who were now posi-
17 tioned uhm, between our patrol vehicle and the Mustang still
18 standing in the -- on the street. Uhm, the driver of the
19 Mustang was being a little argumentative with Buss, apparently
20 he didn't know what exactly what was going on here. And he
21 didn't understand he was being treated the way he was. No
22 sooner did I divert my attention there. The passenger -- the
23 passenger in the Mustang, uhm, started jumping into the driver
24 seat and at the same time pulled the gear shift lever into
25 "drive" the Mustang started moving forward. Uhm -- I'm not sure
26 what happened to Deputy Buss. I think he got out of the way.
27 The -- the driver of the Mustang, the original driver, uhm, put
28 his hands down, because the vehicle was coming right at him and



1 was about to pin him between our vehicle and the Mustang. He
2 put his hands on the hood and began to push on the car. Uhm, -
3 - I was yelling at the person that was still inside the
4 Mustang, to stop the vehicle, 'cause I thought, you know, he is
5 gonna crush the guy between the two vehicles. Uhm, he didn't
6 do that, he reached down at the lever again shifted it into
7 reverse and the car started coming back at me. The door hit
8 me, I started to loose my balance, that's when I fired my first
9 round.
10 Q Where were struck, what part of your body?
11 A I -- it's my hip area, I think was hit by the door.
12 Q That would be your right hip?
13 A Right hip.
14 Q So you were inside the door, itself, were you on the
15 street?
16 A Actually I had uhm, I think it was at that time one
17 foot on the curb and one foot in the gutter area.
18 Q Okay.
19 A Uhm, I stayed in the doorway, even as it was moving
20 forward, 'cause I was yelling at the person inside the car to
21 stop the vehicle and -- and --
22 Q And while you're doing this, do you have your gun
23 pointed at him?
24 A Yes, I did.
25 Q And you're commanding him to stop and he is ignoring
26 you completely?
27 A Yes.

1 Q He ignored all of my commands from the very beginning
2 when I told him to uhm, put his hands on the dash and -- and
3 the whole bed, my gun was out and was pointed at him im-
4 mediately, uhm, -- as soon as I realized that when the original
5 driver of the Mustang had said that -- he was taking this guy
6 to get gas, because his truck had run out, I figured he was the
7 suspect in the -- in the GTA.
8 Q Alright, continue.
9 A Okay. So, the car started coming back towards me,
10 hit me, I lost my balance and that's when I fired my first
11 round at him. Uhm, I was able to get out of the way of the
12 door, just prior to him, apparently jamming the accelerator,
13 the rear wheels started to skid the car going into reverse and
14 I continued to fire.
15 Q How shots did you fire?
16 A I believe six or seven.
17 Q And did your partner discharge as well?
18 A Yes, he did. He fired uhm, I -- I don't know how
19 many times he fired, two or three times I think.
20 Q And as -- the Mustang with the suspect behind the
21 wheel now is backing away, uhm, what were you thinking, what
22 was going in your mind?
23 A At that time, uhm, I didn't know, you know, if - I
24 had no idea if he had a weapon or he didn't have a weapon or --
25 or what was going on. I was still getting out of the way. I -
26 - I was firing rounds. I don't know I thought he was just
27 going backwards. As soon as the car came to a stop, I -- I
28 stopped firing. I thought we had hit him. Uhm, I wasn't sure

1 of that. At that time Deputy Buss was running eastbound on
2 Foothill in the center medium using the pillars from the
3 freeway overpass as covered, and got around to the rear of the
4 vehicle. And -- that's when I got on the radio and put out the
5 1033 and then I realized that I didn't have any cove and I went
6 out to the center medium and got back the pillar myself.
7 Q And what happened next?
8 A I noticed the original driver who pretty much
9 figured, or at least I did at that time figured that he wasn't
10 involved and -- and didn't know what was going on, was running
11 around, you know, worried about his car. He kept talking about
12 his car and stuff, and he was out running around. And I was
13 trying to get him to get out of the way to find some place to
14 hide. I was, you know, telling him, you know, "Get behind the
15 truck, or - or get behind someplace." Uhm, all he was kept
16 doing was talking about his vehicle and things like that and
17 was still out in the open. So, uhm, while my attention was
18 diverted to him, uhm, I didn't know it, but the suspect had
19 gotten out of the car and taken off running and Deputy Buss
20 uhm, stopped him in some bushes and uhm, other units started to
21 arrive. I positioned him around the Mustang, not knowing that
22 the guy gotten out yet. We went out and cleared the Mustang,
23 he wasn't there. Uhm, we put out on the radio that uhm, he was
24 still outstanding and starting to coordinate units, and that's
25 when Deputy Buss advised us that he have him -- had him
26 detained.

1 Q When the vehicle -- when the red Mustang had stopped
2 and the suspect was in it, and you and Buss were approaching
3 it, where did you positioned yourself?
4 A I uhm, approached from the passenger side, the door
5 flung open.
6 Q I know uhm, -- I mean -- after, after the incident
7 and the vehicle came to a stop after he backed it up.
8 A Oh, after he backed it up? I was still standing --
9 standing, basically in the -- uhm, street next to the curb.
10 Q And you ran up to the back of the truck?
11 A I ran to the center medium of Foothill Boulevard and
12 got behind the pillar, the most -- the westernmost pillar, to
13 use as cover.
14 Q And you used cover, because you feared that the
15 suspect maybe armed?
16 A Yeah. I thought he might be armed and I thought at
17 the time he was still in the vehicle. I found out later on
18 that he had exited and taken off running. And my attention was
19 diverted to uhm, trying to get this citizen to get in under
20 cover.
21 SGT. WACHSMUTH: And where was Deputy Buss?
22 A Deputy Buss, uhm, had made his way up, down the same
23 center medium, but to the rear of the red Mustang, so east of
24 it.
25 Q Was he behind the pillar also?
26 A Yes.
27 Q Thank you.

1 SGT. MORGAN: After you had been struck by the car and the
2 suspect started backing away. Why did you continue to fire, if
3 he was backing away from --
4 A Uhm, my thought at the time was, I had no idea if --
5 if he had a weapon in the car or not. I didn't know if he was
6 gonna come out shooting, because we were shooting at him. So,
7 I just continued to fire. And once the vehicle came to a stop.
8 I -- I didn't see any movement. I had the headlights shining
9 in my face from the Mustang. I didn't see any movement, I was
10 assuming that we may have hit him or whatever, I -- I seized to
11 fire at that time and then I realized I was out in the open and
12 went for cover.
13 Q Were you on the sidewalk most of that time then, when
14 - when he was backing up?
15 A Yes. Right - the sidewalk right on the curb area,
16 right --right there.
17 Q And was your partner, Deputy Buss in the street?
18 A Yes.
19 Q So, if the suspect would have tried to leave going
20 westbound would Deputy Buss have been in danger?
21 A Yes, he would.
22 Q I have nothing further, Sergeant Wachsmuth?
23 SGT. WACHSMUTH: No.
24 A That would conclude the tape recorded interview at
25 0539 hours.
26 END OF RECORDING.

MUNICIPAL COURT OF GLENDALE JUDICIAL DISTRICT

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff v. 01 ISMAEL BRITO, aka MIKE BRITO Defendant(s)	Case No. GA013536 FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or about November 25, 1992, in the County of Los Angeles, the crime of GRAND THEFT VEHICLE, in violation of PENAL CODE SECTION 487h(a), a Felony, was committed by ISMAEL BRITO, who did willfully and unlawfully steal and take a 1987 Nissan pick-up Lic. [redacted] then and there the property of [redacted].

* * * * *

COUNT 2

On or about November 26, 1992, in the County of Los Angeles, the crime of GRAND THEFT VEHICLE, in violation of PENAL CODE SECTION 487h(a), a Felony, was committed by ISMAEL BRITO, who did willfully and unlawfully steal and take a 1967 Mustang Lic. [redacted] then and there the property of [redacted].

* * * * *



COUNT 3

On or about November 26, 1992, in the County of Los Angeles, the crime of BATTERY UPON AN OFFICER AND EMERGENCY PERSONNEL, in violation of PENAL CODE SECTION 243(b), a Misdemeanor, was committed by ISMAEL BRITO, who did willfully and unlawfully use force and violence upon the person of D. Willard when said defendant(s), ISMAEL BRITO, knew and reasonably should have known that said person was peace officer then and there engaged in the performance of his/her duties.

* * * * *

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER GA013536, CONSISTS OF 3 COUNT(S).

Executed at Glendale, County of Los Angeles, on November 30, 1992.

ROBERT WACHSMUTH
DECLARANT AND COMPLAINANT

. . . .

IRA REINER, DISTRICT ATTORNEY

BY: ______________________ for
LAWRENCE FX MCGRAIL, DEPUTY

54

AGENCY: LASD L.A. HOMI   I/O: WACHSMUTH   ID NO: [redacted]   PHONE NO: [redacted]
DR NO: 092-07949-0762-057   OPERATOR: OG   PRELIM.TIME EST.:

DEFENDANT		DOB	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE
BRITO, ISMAEL	[redacted]	11/15/53	3323385	$ 20,000	11/30/92

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

55

FELONY COMPLAINT - ORDER HOLDING TO ANSWER - P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

ISMAEL BRITO

Count No.	Charge	Charge Range	Special Allegation	Alleg. Effect
1	PC487h(a)	2-3-4		
2	PC487h(a)	2-3-4		
3	PC243(b)	CHECK CODE		

I order that defendant(s) be held to answer therefor and be admitted to bail in the sum of:

ISMAEL BRITO ______________________ Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

ISMAEL BRITO ______________________ in Dept: ____

at: __________ A.M.

Date: ____________ ______________________
Committing Magistrate

56

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COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE DECEMBER 29, 1992 **FILE NO.** 092-07949-0762-057

C- ASSAULT WITH A DEADLY WEAPON ON A PEACE OFFICER - 245(3)(c) P.C./ GRAND THEFT AUTO - 487 P.C./ OFFICER INVOLVED SHOOTING

Action Taken ACTIVE/ADDITIONAL INFORMATION/ADDITIONAL VICTIM NAMED/ CHARGES FILED/PRELIM-HELD

V- **SEE BELOW**

D-

L- FOOTHILL BOULEVARD EAST OF HAMPTON ROAD, LA CANADA

D- **BRITO, ISMAEL MH/39,** BOOKING #3323385

VICTIMS

#1: WILLARD, DAVID M., DEPUTY SHERIFF, ET AL.
EMPLOYEE [redacted]
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

ADDITIONAL VICTIM

(#4 OF 4): [redacted] **MN/A** [redacted]

* * *

On 11-26-92, Homicide Investigators, R. Wachsmuth and P. Morgan were detailed to the location to handle the investigation regarding this incident.

Investigator Wachsmuth and Morgan were advised by the initial handling unit Deputies Houchens and Guevjehizian, Crescenta Valley Station patrol, of their initial findings. They stated that the Victims/Deputies Willard and Buss, while on routine patrol at location discovered a vehicle illegally parked. Upon further investigation by Willard and Buss they further determined that the vehicle, an '87 Nissan pickup, license [redacted] was reported stolen. Almost immediately a '67 Ford, license [redacted] pulled behind them containing two men. The driver identified himself as a "Good Samaritan" that was assisting the driver of the Nissan pickup, who had run out of gas.

As the Victims/Deputies approached the Ford, the passenger moved from the passenger's seat to the driver's seat and took control of the still running Ford. This individual (the defendant) attempted

to flee resulting in the Ford striking Deputy Willard. Both deputies fearing the defendant was attempting to run over them, fired several rounds at the defendant who was now driving the Ford.

The Ford sped rearward for a distance, the defendant exited the car, but was apprehended without further incident.

Homicide Investigators Bice and Reyes investigated the scene and submitted a detailed report.

Deputies Willard and Buss were interviewed at Crescenta Valley Station. These interviews were tape recorded and made a permanent part of this file.

Victim [redacted], owner of the Ford, was also interviewed at Crescenta Valley Station and that interview was also tape recorded and made a permanent part of this file.

Department Criminalist, [redacted], Crime Lab, responded and took measurements and photographs relevant to this investigation.

On 11-30-92, a criminal complaint was filed in Glendale Municipal Court where case number GA013536 was issued. Copy of this complaint is submitted.

On 12-10-92, a preliminary hearing was held in Glendale Municipal Court, Division 4, at which time Defendant Brito was held to answer on all of the charges filed.

BY: SERGEANT R. WACHSMUTH, [redacted]
INVESTIGATOR P. MORGAN, [redacted]
APPROVED: LIEUTENANT T. JOHNSTON
HOMICIDE BUREAU - DETECTIVE DIVISION

UDESHI/WPII

LOS ANGELES SHERIFF'S DERTMENT
SCIENTIFIC SERVICES BUREAU
FIREARMS IDENTIFICATION BUREAU

REC'D FROM	FILE
Wachsmuth - Homicide Bureau	092-07949-0762-057
DATE	**RECEIPT**
November 30, 1992	H523458 & H511260
CAL.	**MAKE**
9 MM	Beretta
MODEL	**TYPE**
92-F	Semi-auto pistol
SERIAL NO.	**LOCATION**
BER 064397 Z	Left side of frame

COUNTRY	CARTRIDGE CAPACITY	BARREL LENGTH	FINISH
U.S.A.	1 + 15	4 7/8"	Black

ADDITIONAL INFO - CONDITION - OTHER MARKS - BROKEN/MISSING PARTS

S - Brito, Ismael   C - Deputy Involved Shooting

Deputy - Willard, David

S/A TRIGGER PULL	IS THIS NORMAL	D/A TRIGGER PULL	IS THIS NORMAL	FIRED SINCE LAST CLEANING
5 1/4 Lbs.	Yes	11 1/4 Lbs.	Yes	Yes

NO. TIMES TEST FIRED	DID FIREARM FUNCTION NORMALLY DURING TEST FIRING - IIF NO, EXPLAIN
2	Yes

NOTE: This pistol was submitted with one magazine and 9 "live" rounds of 147 Gr. J.H.P. ammunition (WIN)

GRC	CALIBER	NO. L&G	TWIST	LAND IMP. WIDTH	GROOVE IMP. WIDTH
	9 MM	6	R	.074	.106

OTHER EVIDENCE WITH FIREARM - OPINIONS - COMMENTS

- See Page #3 for additional evidence -

FIREARMS EXAMINER	SIGNATURE
"JW" Whitmarsh (58A)	"JW" Whitmarsh
EMPLOYEE NO.	**DATE**
[redacted]	January 14, 1993

LOS ANGELES SHERIFF'S DEPARTMENT

SCIENTIFIC SERVICES BUREAU
FIREARMS IDENTIFICATION BUREAU

REC'D FROM	FILE
Wachsmuth - Homicide Bureau	092-07949-0762-057
DATE	**RECEIPT**
November 30, 1992	H523458 & H511260

CAL.	MAKE
9 MM	Beretta
MODEL	**TYPE**
92-F	Semi-auto pistol
SERIAL NO.	**LOCATION**
BER 008929 Z	Left side of frame

COUNTRY	CARTRIDGE CAPACITY	BARREL LENGTH	FINISH
U.S.A.	1 + 15	4 7/8"	Black

ADDITIONAL INFO - CONDITION - OTHER MARKS - BROKEN/MISSING PARTS

S - Brito, Ismael C - Deputy Involved Shooting

Deputy - Buss,

S/A TRIGGER PULL	IS THIS NORMAL	D/A TRIGGER PULL	IS THIS NORMAL	FIRED SINCE LAST CLEANING
5 Lbs.	Yes	10 Lbs.	Yes	Yes

NO. TIMES TEST FIRED	DID FIREARM FUNCTION NORMALLY DURING TEST FIRING - IIF NO, EXPLAIN
2	Yes

NOTE: This pistol was submitted with one magazine and 13 "live" rounds of 147 Gr. J.H.P. ammunition (WIN)

GRC	CALIBER	NO. L&G	TWIST	LAND IMP. WIDTH	GROOVE IMP. WIDTH
	9 MM	6	R	.078	.106

OTHER EVIDENCE WITH FIREARM - OPINIONS - COMMENTS

- See Page #3 for additional evidence -

FIREARMS EXAMINER	SIGNATURE
"JW" Whitmarsh (SSB)	[signature]
EMPLOYEE NO.	**DATE**
[redacted]	January 14, 1993

REPORT CONTINUATION

Additional Evidence:

Items #1 thru #10 Ten envelopes each containing one expended 9 mm caliber cartridge case (Win).

Examination of the evidence described in this report revealed the following:

1. The expended cartridge cases contained in Items #1 through #7 were fired in the Beretta pistol described on Page #1 of this report.

2. The expended cartridge cases contained in Items #8, #9, and #10 were fired in the Beretta pistol described on Page #2 of this report.

"JW" Whitmarsh

"JW" Whitmarsh

JWW:re


COUNTY OF LOS ANGELES


SHERIFF'S DEPARTMENT

OFFICE CORRESPONDENCE

DATE:
February 12, 1993
FILE:
092-07949-0762-057

FROM: ROBERT J. CIULIK, CHIEF
DETECTIVE DIVISION

TO: SHERMAN BLOCK
SHERIFF

SUBJECT: LETTER OF OPINION ON DEPUTY INVOLVED SHOOTING

A Letter of Opinion was received from the District Attorney's Office regarding the case involving Deputies William R. Buss, █████, and David Willard, █████.

STATION: Crescenta Valley

DATE OF SHOOTING: November 26, 1992

SUSPECT: BRITO, Ismael MH/39

While checking an abandoned stolen vehicle under the 210 Freeway, deputies observed a good Samaritan returning to the car with the suspect and a gas can. During the investigation, the suspect used the good Samaritan's car to attempt to run over the deputies while trying to flee. Both deputies fired at the suspect, wounding him. He survived. Recovered in the stolen car were burglary tools, a ski mask and a starter pistol.

DISTRICT ATTORNEY'S OPINION

"California law permits the use of deadly force in one's self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent.

☐ SHERIFF	☐ CHIEF - F.O.R. II	☐ CHIEF DETECTIVES	☐ CAPT HOMICIDE
☐ UNDERSHERIFF	☐ CHIEF - F.O.R. III	☐ CDR. DETECTIVES	☐ CAPT. NARCOTICS
☐ ASSISTANT SHERIFF	☐ CHIEF - TECH. SERV.	☐ CAPT. CENTRAL INVEST.	☐ INFORMATION BUREAU
☐ CHIEF - ADMIN. DIV.	☐ CHIEF - COURT SERVS. DIV.	☐ CAPT. JUV. INVEST.	☐ CONTRACT LAW
☐ CHIEF - CUSTODY DIV.	☐ COMMANDER -	☐ CAPT. COMM CRIMES	☐ PSYCHOLOGICAL SERVICES
☐ CHIEF - F.O.R. I	☐ CAPTAIN -	☐ CAPT. VICE	☐

SH-AD-539 (Rev. 3-87)

When Deputy Buss saw the wheels of the Mustang spinning in place, and the front of the car facing him, he believed that Brito was about to run over him. This belief becomes all the more credible when considered in light of the fact that Buss had just jumped out of the way of being hit by the car, and had just seen his partner hit by the car door.

If one is confronted by the appearance of danger which arouses in his mind, as a reasonable person, an honest conviction and fear that he is about to suffer bodily injury, and if a reasonable person in a like situation seeing and knowing the same facts, would be justified in believing himself in like danger, and if the person so confronted acts in fear and honest conviction, his right of self-defense is the same whether such danger is real or merely apparent.

The use of deadly force is prohibited by anyone, including a police officer, against a fleeing felony suspect, unless the felony is of the violent variety, that is, a forcible and atrocious one which threatens death or serious bodily harm, or there are other circumstances which reasonably creates a fear of death or serious bodily harm to the officer or another.

> If the suspect threatens the officer with a weapon or there is probable cause to believe he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be necessary to prevent escape, and if where feasible, some warning has been given.

Here, the felony committed by Brito was grand theft of the pickup which is not a forcible or atrocious felony. However, here, there existed circumstances which created a fear of threatened death or serious bodily injury. The first circumstance occurred when Brito ignored Deputy Willard's commands to exit the car and, instead, drove the car forward directly toward Deputy Buss and [REDACTED]. Buss, [REDACTED] and Willard all believed that Brito was going to hurt Buss and [REDACTED] by either striking them with the Mustang or by trapping them between the Mustang and the patrol car.

The second circumstance occurred when, moments later, Brito ignored Willard, who pointed his gun in the open passenger door of the Mustang and ordered Brito to stop the car and get out. Instead, Brito put the car in reverse and caused the car door to hit Willard, nearly knocking him over. To all outward appearances Brito was a man who was going to do whatever was necessary to get away from the deputies.



When Willard shot at Brito he had observed his threatening behavior toward Buss and [redacted] and had been struck by the car door as Brito attempted to flee. Willard was attempting to stop Brito before he could threaten harm to anyone else.

For all of the forgoing reasons we find that actions of Deputies Buss and Willard are legally justified and accordingly, we will take no further action on this matter. Our file is now closed."



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LOS ANGELES
SPECIAL INVESTIGATIONS DIVISION
CRIMINAL COURTS BUILDING
210 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-3275
(213) 974-2339

GIL GARCETTI, DISTRICT ATTORNEY

January 29, 1993

Captain Donn P. Brooks
Los Angeles County Sheriff's Department
211 West Temple Street
Los Angeles, California 90012

Dear Captain Brooks:

Re: S..I.D. File No. 100-7450/92-0619
L.A.S.D. File No. 092-07949-0762-057

Our office has completed our review of the nonfatal shooting of Ismael Brito, age 39, by Los Angeles County Sheriff's Department Deputies William R. Buss and David M. Willard on November 26, 1992.

Deputy District Attorney Eloise G. Phillips and Senior Investigator Thomas Melbourn responded to the scene and were briefed by Sergeant Robert Wachsmuth of your department. We interviewed [redacted] the good Samaritan witness to the shooting. We subsequently received and reviewed the 58-page report prepared by the Homicide Bureau of your department. We have concluded that we cannot prove that the actions of Deputies Buss and Willard were a violation of criminal law.

FACTUAL SUMMARY

[redacted] was coming home from college for Thanksgiving Day. It was about 1:30 in the morning and [redacted] decided to stop for some gas and then went to a supermarket to try to buy a pumpkin pie so that he would not go home empty handed. The market was closed. As he was walking back to his car he was approached by a man (later identified as Ismael Brito) who asked [redacted] if he could give him a lift because he (Brito) had run out of gas. Brito tossed [redacted] $10.00 as he got into [redacted] red '67 Mustang.



[REDACTED] not only drove Brito to the gas station, but left his credit card as collateral for the gas can, and then paid $3.80 for the gas. [REDACTED] then drove Brito back to his truck which had run out of gas and was parked under the freeway on Foothill Boulevard in La Cañada. As [REDACTED] drove eastbound on Foothill, he saw a Sheriff's patrol car parked behind a pickup truck on the westbound side. Brito had already pointed out the pickup as being his truck, but then told [REDACTED] to drive on when he saw the patrol car. [REDACTED] refused, made a U-turn, and pulled up about ten feet behind the patrol car.

[REDACTED] got out of his car, leaving the engine running, and approached Deputy William Buss who was standing between the two cars. Deputy David Willard was standing on the sidewalk. As [REDACTED] was explaining to Buss that he had merely given Brito a lift for gas, Willard approached the side of the Mustang and opened the passenger door.

Unbeknownst to [REDACTED] the pickup had been stolen from the parking lot at Cocomo Joe's in Visalia the night before, at about 10:30 p.m. Buss patted down [REDACTED] and continued to question him regarding his involvment with the stolen pickup.

Meawhile, Willard leaned into the car and repeatedly ordered Brito out. Instead of complying, Brito lunged over into the driver's seat and shifted the gear into drive. Despite the commands to get out and to stop, Brito drove the car forward toward Buss and [REDACTED] [REDACTED] put his hands out reflexively to stop the car; Buss jumped out into the street, pointed his handgun at Brito and told him, "Get out of the car." When the Mustang was approximately four feet from the patrol car, it stopped briefly then Brito put the car into reverse. As the car started moving backward quickly, Willard was hit by the open passenger door.

When Willard was hit, he started to loose his balance, but jumped out of the way and fired his gun at Brito six or seven times. When the Mustang stopped, Willard, assuming he had hit the suspect, ceased firing.

When Brito reversed the car, the rear of the car swerved in toward the curb, causing the front to face out toward the street. Upon seeing this, Buss, who was standing in the street, heard wheels spinning, as if "burning rubber." Fearing that Brito was about to put the car into drive and run over him, Buss fired three to four rounds at the suspect. When Buss realized the car was still going in reverse, he stopped firing and ran to the center island behind some pillars for cover.

Brito got out of the car when it came to a stop. He began running first on the sidewalk, then in the street, then back on the sidewalk, removing articles of clothing as he ran. He ultimately was found hiding in some bushes. Brito sustained a

gusnshot wound to the right side of his abdomen. He was treated at Huntington Memorial Hospital then transferred to Los Angeles County Medical Center jail ward the same day.

LEGAL CONCLUSION

California law permits the use of deadly force in one's self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions--Criminal (CALJIC) 5.30, 5.32.

When Deputy Buss saw the wheels of the Mustang spinning in place, and the front of the car facing him, he believed that Brito was about to run over him. This belief becomes all the more credible when considered in light of the fact that Buss had just jumped out of the way of being hit by the car, and had just seen his partner hit by the car door.

If one is confronted by the appearance of danger which arouses in his mind, as a reasonable person, an honest conviction and fear that he is about to suffer bodily injury, and if a reasonable person in a like situation seeing and knowing the same facts, would be justified in believing himself in like danger, and if the person so confronted acts in fear and honest conviction, his right of self-defense is the same whether such danger is real or merely apparent. People v. Jackson (1965) 233 Cal. App. 2d 639; People v. Toledo (1948) 85 Cal. App. 2d 577.

The use of deadly force is prohibited by anyone, including a police officer, against a fleeing felony suspect, unless the felony is of the violent variety, that is, a forcible and atrocious one which threatens death or serious bodily harm, or there are other circumstances which reasonably creates a fear of death or serious bodily harm to the officer or another. Kortum v. Alkire (1977) 69 Cal. App. 3d 325. The United States Supreme Court, in the case of Tennessee v. Garner (1985) 471 U.S. 1, 11, found:

> [I]f the suspect threatens the officer with a weapon or there is probable cause to believe he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be necessary to prevent escape, and if where feasible, some warning has been given.

Here, the felony committed by Brito was grand theft of the pickup which is not a forcible or atrocious felony. However, here, there existed circumstances which created a fear of threatened death or serious bodily injury. The first circumstance occurred when Brito ignored Deputy Willard's commands to exit the car and, instead, drove the car forward directly toward Deputy Buss and [redacted] Buss, [redacted] and Willard all believed that Brito was going to hurt Buss and [redacted] by either striking them with the Mustang or by trapping them between the Mustang and the patrol car.

The second circumstance occurred when, moments later, Brito ignored Willard, who pointed his gun in the open passenger door of the Mustang and ordered Brito to stop the car and get out. Instead, Brito put the car in reverse and caused the car door to hit Willard nearly knocking him over. To all outward appearances Brito was a man who was going to do whatever was necessary to get away from the deputies.

When Willard shot at Brito he had observed his threatening behavior toward Buss and [redacted] and had been struck by the car door as Brito attempted to flee. Willard was attempting to stop Brito before he could threaten harm to anyone else.

For all of the forgoing reasons we find that actions of Deputies Buss and Willard are legally justified and accordingly, we will take no further action on this matter. Our file is now closed.

Very truly yours,

GIL GARCETTI,
District Attorney

FRANK E. SUNDSTEDT,
Assistant District Attorney

By: Roger Gunson for

ELOISE G. PHILLIPS,
Deputy District Attorney

cc: William R. Buss
David M. Willard

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COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE **MARCH 11, 1993** **FILE NO.** **092-07949-0762-057**

C- ASSAULT WITH A DEADLY WEAPON ON A PEACE OFFICER - 245(3)(C) P.C. **Action Taken** INACTIVE

V- **WILLARD, DAVID B. M/34 ET AL**

D-

L-

S- **BRITO, ISMAEL MH/39 (I/C)**

On 03-02-93, Defendant Brito pled guilty to 243(B) P.C. - Assault on a Peace Officer and 487(H) P.C. - Grand Theft Auto, in Pasadena Superior Court.

Court Case [redacted] Defendant was sentenced to one year in County Jail with 3 years probation. All evidence held marked for disposal.

Case to stand inactive.

BY: SERGEANT ROBERT WACHSMUTH, [redacted]
INVESTIGATOR PATRICK MORGAN, [redacted]
APPROVED: LIEUTENANT THOMAS JOHNSTON
HOMICIDE BUREAU - DETECTIVE DIVISION

UDESHI/WPII